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Appendix A



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Mr Rodney Ward
General Manager Development
Delta Electricity
PO BOX Q863
QVB NSW 1230

Our ref: S09/01810
Your ref: A263965

Dear Mr-Ward

Mount Piper Power Station Ash Placement Project (Application: 09_0186) – Director-General's Requirements

I refer to your major project application for the proposed Mount Piper Power Station Ash Placement Project, which seeks concept plan approval for the entire project (Lamberts North, Lamberts South, Neubecks Creek and Ivanhoe No. 4 sites) and project approval for two of the four ash placement sites (Lamberts North and Lamberts South sites).

I wish to advise that on 20 October 2009, the Minister for Planning:

- formed the opinion pursuant to clause section 75B(1) of the *Environmental Planning and Assessment Act 1979* (the Act) that the project is of State environmental planning significance and is therefore a project to which Part 3A of the Act applies. Consequently, the Minister for Planning is the approval authority for the project; and
- authorised the submission of a concept plan for the project pursuant to section 75M(1) of the Act.

A copy of the record of the Minister's opinion and of the concept plan authorisation is enclosed for your information and reference.

I have also attached a copy of my requirements as delegate for the Director-General (DGRs) for the preparation of an Environmental Assessment for the major project application. These requirements have been prepared in consultation with the relevant government agencies.

As you are seeking Concept Plan Approval for the entire proposal, the Environmental Assessment must present a considered screening of potential impacts at all four proposed project sites, to identify potentially significant impacts for further, more detailed assessment. Sufficient information must be provided in the Environmental Assessment to demonstrate the likely impacts and their acceptability. In addition to the assessment of potentially significant impacts, the project should be assessed in a more general manner, with a particular focus on the development of frameworks for the mitigation, management and monitoring of more minor environmental issues. The Environmental Assessment must also include a project level assessment for those areas that are subject to the Project Application, which must provide detailed information on the mitigation and management of the identified impacts.

It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the Proponent seeking approval for the project.

I would appreciate it if you could contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

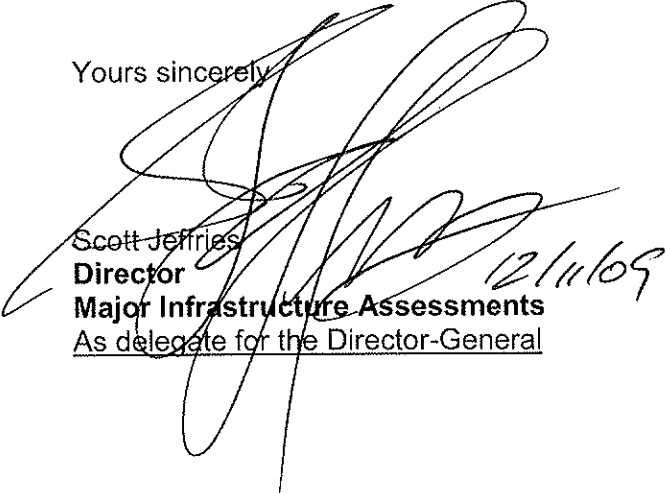
Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the Proponent to revise the Environmental Assessment to address the matters notified to the Proponent. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of the Environment, Heritage, Water and the Arts to determine if an approval under the EPBC Act is required for your proposal (02 6274 1111 or www.environment.gov.au).

Please note that the Commonwealth Government may accredit the NSW environmental assessment process for assessing impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act and the NSW process is accredited, please contact the Department immediately as supplementary Director-General's requirements will need to be issued.

You should keep the contact officer for this project, Swati Sharma ((02) 9228 6221 or swati.sharma@planning.nsw.gov.au), up to date with the progress of preparation of the Environmental Assessment, and seek clarification of any issues that may be unclear or may arise during this process.

Yours sincerely,


Scott Jeffries
Director
Major Infrastructure Assessments
As delegate for the Director-General

12/11/09

Director-General's Requirements

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

Project	Mount Piper Ash Placement Project, comprising the development of new ash placement areas to cater for the ash generated from the existing Mount Piper Power Station and to accommodate ash from the proposed Mount Piper Power Station Extension Project, which is currently being assessed by the Department and is subject to a separate Concept Plan Application. The Mount Piper Ash Placement Project involves four proposed areas for ash placement. All four proposed areas (Lamberts North site, Lamberts South site, Ivanhoe No 4 site, and Neubecks Creek site) of the Ash Placement Project are subject to a Concept Plan Application and two of these four sites are also subject to a Project Application (Lamberts North and Lamberts South sites). Therefore Concept Plan Approval is being sought for the entire proposal and Project Approval is being sought for part of the proposal.
Site	Lamberts North, Lamberts South, Neubecks Creek and Ivanhoe No.4, within the Lithgow local government area.
Proponent	Delta Electricity
Date of Issue	12 November 2009
Date of Expiration	12 November 2011
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of the project including: <ul style="list-style-type: none"> → construction, operation and rehabilitation details, including a timeline for construction works and the operating sequence of the project; → the general location of those components relevant to the concept plan and the detailed location and dimensions of all those components relevant to the project application including construction compounds and access roads; → the finished profiles of the sites, including maximum height and treatment details; → identification of any third party approvals that need to be in place to allow the development of the project and an overview of how the project would interact with any such approvals (where relevant); • consideration of any relevant statutory provisions including the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; • an assessment of the key issues outlined below, during construction and operation; • a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; • a conclusion justifying the project taking into consideration the environmental, social and economic impacts of the project; the suitability of the sites; and the public interest; and • certification by the author of the Environmental Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	<p>The Environmental Assessment must include assessment of the following key issues:</p> <ul style="list-style-type: none"> • Strategic Planning and Justification – the Environmental Assessment must provide a strategic assessment of the project, including justification of the need, scale, scope and location for the project. The Environmental Assessment must include an overview of the relationship between the project and its relevance to the existing Mount Piper Power Station Units 1 and 2, the existing brine and ash co-placement area for the Mount Piper Power Station Units 1 and 2, and the proposed Mount Piper Power Station Units 3 and 4. The Environmental Assessment must also illustrate how the project will effectively respond to the management of flyash (generated by the combustion of coal) and brine (the product of the water treatment process) generated by the existing Mt Piper Power Station Units 1 and 2 and must illustrate how the project will cater for the management and storage of the potential waste products produced from the proposed Mount Piper Power Station Units 3 and 4 (flyash and brine). The Environmental Assessment must also describe the strategy for developing and implementing short, medium and long term ash management options (including ash reprocessing, reuse and recycling options) with the aim of maximising the use of this potential resource and maximising the available emplacement area life.

- **Air Quality Impacts** – for the Neubecks Creek and Ivanhoe No 4 sites (concept plan application only) include an analysis of potential air quality constraints to the development of these sites including available mitigation and/or management options that may be applied to achieve acceptable environmental outcomes (such as low dust generation ash disposal options), with consideration of cumulative impacts from the project and other existing or proposed activities in close proximity to the project site. Key air quality risk factors and/ or design criteria that would require further detailed investigation prior to the development of these sites must be identified.

For the Lamberts North and Lamberts South sites (project application), include an assessment of the air quality impacts of the proposed development in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (DECC, 2005) (Approved Methods) considering worst case operating scenarios and meteorological conditions, representative monitoring and receiver locations and cumulative impacts from the nearby activities (e.g. Mount Piper and Wallerawang Power Stations). The assessment must focus on potential point source emissions, odour impacts, and particulate impacts during construction and operation as well as possible impacts on sensitive receivers, with emphasis on TSP, PM₁₀ and contaminants in the ash. Detailed information for the proposed mitigation and management measures proposed to minimise identified impacts relevant to the project application must be provided.

- **Noise Impacts** – for the Neubecks Creek and Ivanhoe No 4 sites (concept plan application only) include an analysis of potential noise constraints to the development of these sites including available mitigation and/or management options that may be applied to achieve acceptable environmental outcomes, with consideration of cumulative impacts from the project and other existing or proposed activities in close proximity to the project site. Key noise risk factors and/ or design criteria that would require further detailed investigation prior to the development of these sites must be identified.

For the Lamberts North and Lamberts South sites (project application), include a construction and operational noise assessment that identifies impacts on surrounding residential premises and other sensitive receivers, with particular consideration to traffic generated noise associated with the construction works and the transportation of flyash and brine to the ash placement areas during operation. The noise assessment must consider the potential for cumulative noise impacts from surrounding power stations (including Mount Piper and Wallerawang) and the Western Rail Coal Unloader. A framework for the mitigation, management and monitoring of noise impacts during construction and operation of the project must also be provided, particularly with respect to receptors and receptor types likely to be significantly impacted by the project and with specific reference to noise-intensive works/ activities (for example bulk excavation and heavy vehicle movements during construction). The assessment must be undertaken consistent with:

- *NSW Industrial Noise Policy* (EPA, 2000);
- *Interim Construction Noise Guidelines* (DECC, 2009); and
- *Environmental Criteria for Road Traffic Noise* (EPA, 1999).

- **Water Management** – for the Neubecks Creek and Ivanhoe No 4 sites (concept plan application only) include an analysis of potential surface water, hydrology, groundwater and water supply constraints to the development of these sites including available mitigation and/or management options that may be applied to achieve acceptable environmental outcomes, with consideration of cumulative impacts from the project and other existing or proposed activities in close proximity to the project site. The assessment must demonstrate sufficient water supply availability to accommodate the requirements of the concept plan as a whole and that these sites can be developed without significant risks to hydrology or groundwater resources, with consideration to cumulative impacts. Key water related risk factors and/ or design criteria that would require further detailed investigation prior to the development of these sites must be identified.

For the Lamberts North and Lamberts South sites (project application), the Environmental Assessment must characterise and assess site hydrology and water

management including drainage, stormwater, flooding and water supply and provide an assessment of potential risks to surface water and groundwater quality with consideration of relevant State policies and ANZECC water quality guidelines. The water quality investigations must address the cumulative impacts on water of the proposal in conjunction with other activities in the area such as power generation, coal mining and a landfill, in particular the potential impact on the Cocks River system, Huon Creek and Neubecks Creek. The Environmental Assessment must provide details of proposed water quality monitoring during construction and operation so as to assess changes to the quality of receiving waters and the groundwater table.

- **Ecological Impacts** – for the Neubecks Creek and Ivanhoe No 4 sites (concept plan application only), include an analysis of potential ecological constraints to the development of these sites including available mitigation and/or management options (including any offsets applying to the concept plan as a whole) that may be applied to achieve acceptable environmental outcomes, with consideration of cumulative impacts from the project and other existing or proposed activities in close proximity to the project sites. Key ecological risk factors and/ or design criteria that would require further detailed investigation prior to the development of these sites must be identified. For the Lamberts North and Lamberts South sites (project application), must include an assessment of the likely impacts on native vegetation, threatened species, populations, ecological communities and their habitats (both terrestrial and aquatic as relevant), with particular reference to downstream aquatic habitats. The assessment, including field surveys and identification of any actions to avoid or mitigate impacts, must be prepared in accordance with the Draft *Guidelines for Threatened Species Assessment* (DEC & DPI, 2005).

- **Indigenous Heritage** – for the Neubecks Creek and Ivanhoe No 4 sites (concept plan application only), include an analysis of potential heritage constraints to the development of these sites including available mitigation and/or management options that may be applied to achieve acceptable environmental outcomes, with consideration of cumulative impacts from the project and other existing or proposed activities in close proximity to the project site. Key heritage constraints and/ or design criteria that would require further detailed investigation prior to the development of these sites must be identified. For the Lamberts North and Lamberts South sites (project application), include a detailed assessment of indigenous heritage values (archaeological and cultural) that may be impacted by the project. Consideration should be given to the significance of the impacts of the project in the context of the surrounding indigenous heritage sites to the project site. The Environmental Assessment must describe the actions that will be taken to avoid, mitigate, manage and/or offset impacts.

The Environmental Assessment must demonstrate effective consultation with indigenous stakeholders regarding the potential impacts of the concept plan as a whole and the particular impacts of the project application sites, including developing mitigation options, consistent with the draft *Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation* (DEC, July 2005).

- **Visual Amenity** – for the Neubecks Creek and Ivanhoe No 4 sites (concept plan application only), provide a general screening of likely visual impacts (considering cumulative effects) should these sites be developed and available mitigation/ treatment options for minimising impact, including key constraints and design criteria that would require further investigation prior to site development. For the Lamberts North and Lamberts South sites (project application), include an assessment on the potential visual impact of the sites (for both the finished profile of the sites and after the finished sites have been rehabilitated by treatments) on visual amenity with specific reference to the maximum height of the proposed ash placement areas from neighbouring residences, adjacent roads, watercourses and the public domain.
- **General Environmental Risk Analysis** – notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental

	risk analysis, an appropriately detailed impact assessment of the additional key environmental impact(s) must be included in the Environmental Assessment.
Consultation Requirements	<p>You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment:</p> <ul style="list-style-type: none">• Lithgow City Council;• Department of Environment, Climate Change and Water;• NSW Office of Water;• Department of Industry and Investment NSW;• Sydney Catchment Authority; and• the local community and landowners. <p>The Environmental Assessment must clearly describe the consultation process and indicate the issues raised by stakeholders during consultation and how these matters have been addressed.</p>

ORDER DECLARING DEVELOPMENT TO BE A PROJECT UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Planning, having formed the opinion pursuant to section 75B(1) of the *Environmental Planning and Assessment Act 1979* (the Act) that the development described in the Schedule is of State environmental planning significance, declare that development to be a project to which Part 3A of the Act applies.



Hon Kristina Keneally MP
Minister for Planning

Dated, this 20 day of Oct, 2009

SCHEDULE

Development of ash storage areas and associated ash handling and management facilities at Lamberts North, Lamberts South, Neubecks Creek and Ivanhoe No. 4, near the existing Mount Piper Power Station, in the Lithgow local government area, as generally described in *Mount Piper Power Station Ash Placement Project: Project Description and Preliminary Environmental Assessment* (Sinclair Knight Merz, September 2009).

**AUTHORISATION OF A CONCEPT PLAN UNDER PART 3A OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

I, the Minister for Planning, authorise the submission of a Concept Plan for the development described in the Schedule below.



Hon Kristina Keneally MP
Minister for Planning

Dated, this 20 day of Oct, 2009

SCHEDULE

Development of ash storage areas and associated ash handling and management facilities at Lamberts North, Lamberts South, Neubecks Creek and Ivanhoe No. 4, near the existing Mount Piper Power Station, in the Lithgow local government area, as generally described in *Mount Piper Power Station Ash Placement Project: Project Description and Preliminary Environmental Assessment* (Sinclair Knight Merz, September 2009).
