

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Steve O'Donoghue

Director Resource Assessments

Sydney

11/06/2026

SCHEDULE 1

Development Consent: **DA80/10060** granted by the then Minister for Planning and Environment on 1 April 1982

For the following: Mount Piper Power Station

Applicant: Energy Australia Pty Limited

Consent Authority: Minister for Planning and Public Spaces

Modification: Modification 10 – Water Management Changes (DA80/10060-Mod-10)

SCHEDULE 2

1. In the list of definitions, insert the following in alphabetical order:

Development	The development described in the document/s listed in the EIS
Heritage NSW	Heritage NSW within the New South Wales Department of Climate Change, Energy, the Environment and Water
RAPs	Registered Aboriginal Parties, as described in the <i>National Parks and Wildlife Regulation 2019</i>
WaterNSW	WaterNSW established under the <i>Water NSW Act 2014</i>

2. In the list of definitions, in the definition for “EIS”, after “report on Modification 9”, delete “.” and insert the following:

“; and

- *Mount Piper Power Station DA 80-10070 Modification 10* dated October 2025, *Mount Piper Power Station DA 80-10060 Modification 10 Submissions Report* dated March 2026 and additional information provided by the Applicant to support the modification application and included in Appendix A of the Department’s assessment report on Modification 10.”

3. In condition 22(d), delete “cool” and insert “coal”.

4. In condition 31, after “upgrading of the Boulder”, delete “Rood” and insert “Road”.

5. In condition 43:

- after “described in”, delete “Modification 9” and insert “Modification 10”;
- after “Water Management Plan for the”, delete “MPAR” and insert “development”;
- after “affected by the”, delete “MPAR” and insert “development”; and
- after item (f), insert the following:

“(g) details of a risk assessment for the proposed coal conditioning agent to be used within the coal stockpile as described in Modification 10, including toxicity, pH and solubility.”.

6. In condition 43C, delete “Modification 8” and insert “Modification 9”.

7. In condition 45, delete all references to “calendar” and replace with “financial”.

8. After condition 55, insert the following:

“

BIODIVERSITY IMPACTS

- 55A. Prior to commencing any work that would directly or indirectly impact on biodiversity values, the Applicant must retire biodiversity credits of the number and classes specified in Table 1.

- 55B. Condition 55A must be carried out in accordance with section 6.4 and section 6.29A of the *Biodiversity Conservation Act 2016* and clause 6.2 of the *Biodiversity Conservation Regulation 2017*.
- 55C. Prior to carrying out any work that would directly or indirectly impact on biodiversity values, evidence must be provided to the Secretary that conditions 55A and 55B have been met. Evidence must be provided to the Secretary that the correct number and class of credits has been retired prior to commencing the disturbance associated with each offset stage.

Table 1| Biodiversity credit requirements

Credit Type	Credits Required
Ecosystem Credits	
PCT 3347 – <i>Southern Tableland Creekflat Ribbon Gum Forest</i>	16
PCT 3510 – <i>Capertee Slopes Stringyback-Box Forest</i>	4
Species Credits	
Black Gum – <i>Eucalyptus aggregata</i>	6
Large Bent-winged Bat – <i>Miniopterus orianae oceanensis</i>	4
Squirrel Glider – <i>Petaurus norfolcensis</i>	36

- 55D. Prior to any removal of culverts associated with Modification 10, the Applicant must engage a suitably qualified ecologist to inspect potential breeding structures and relocate any roosting microbats for Large Bent-winged Bat (*Miniopterus orianae oceanensis*)."

9. In condition 56, under "CONSTRUCTION ENVIRONMENTAL MANAGEMENT", delete all words and insert the following:

"

56. Prior to the commencement of construction of Modification 10, a Construction Environmental Management Plan (CEMP) must be prepared to outline environmental management practices and procedures to be followed during the construction of Modification 10. The CEMP must:

- (a) be prepared:
 - i. in accordance with condition 70; and
 - ii. in consultation with NSW Heritage and WaterNSW; and
- (b) include details of measures to be implemented to manage impacts to:
 - i. Aboriginal heritage, including:
 - an unexpected finds protocol to manage encountering previously unrecorded or unanticipated Aboriginal objects, developed in consultation with the development's RAPs;
 - an unanticipated skeletal remains protocol including a stop works procedure, measures to secure the area to avoid further harm to remains, notification requirements to local police and Heritage NSW and

- consultation requirements with RAPs (for reburial) and with the Department to resume works; and
- measures to protect known Aboriginal heritage sites including AHIMS 45-1-2847;
- ii. biodiversity values, including:
 - short, medium, and long-term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site;
 - a description of measures to be implemented within the approved disturbance areas to:
 - minimise the amount of clearing;
 - minimise impacts on fauna, including outcomes of requirements in condition 55D and management of impacts to roosting microbats for large bent-winged bat (*Miniopterus orianae oceanensis*) prior to removal of potential suitable breeding habitat and culverts; and
 - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
 - a description of measures to be implemented in the site to:
 - minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;
 - protect vegetation and fauna habitat outside of the approved disturbance areas;
 - control weeds, including measures to avoid and mitigate the spread of noxious weeds; and
 - control access to vegetated or revegetated areas;
- iii. water resources, including:
 - erosion and sediment controls; and
 - measures to minimise groundwater seepage during expansion of the coal setting pond, water storage ponds and pollution control structures as described in Modification 10; and
- iv. air quality and noise, including:
 - minimising off-site dust, fume and other air pollutants of the development; and
 - a description of the reasonable and feasible measures that would be implemented to minimise noise impacts of the development.

”

10. In condition 57, delete “Deleted” and insert the following:

“57. Construction of Modification 19 must not commence until the CEMP is approved by the Secretary.”

11. After condition 57, insert the following:

“57A. The CEMP, as approved by the Secretary, must be implemented.”

12. After condition 69, insert the following:

“

MANAGEMENT PLAN REQUIREMENTS

70. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

- (a) quality control information, including document version control details and the management plan author(s);
- (b) a summary of the environmental management context, including:
 - a brief development description, including visual representation of any development staging; and
 - the purpose and scope of the management plan;
- (c) the relationship of the management plan with other environmental management documents or systems;
- (d) a site location plan identifying the development boundary, disturbance area and related environmental aspects;
- (e) a brief summary of background or baseline data, where relevant;

Note: If detailed baseline data must be included in a management plan, it must be appended and summarised in the main text of the management plan.
- (f) a summary of consultation undertaken during the preparation of the management plan that includes when and how consultation was undertaken and the outcomes of the consultation;
- (g) details of the statutory requirements, limits or performance measures and any specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- (h) a description of the measures to be implemented to comply with statutory requirements, and the limits, performance measures, criteria and operational requirements of conditions of this consent;
- (i) a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of the management measures implemented for the development
- (j) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; and
- (k) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

EVIDENCE OF CONSULTATION

71. Where conditions of this consent require consultation with an identified party, consultation must be undertaken with the relevant party prior to submitting the subject document to the Secretary for approval. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the NSW planning portal Major Projects), including:

- (a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;
- (b) the outcome of that consultation, including how the issues have been addressed in the subject document; and
- (c) details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the matters not resolved.

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**End of modification
(DA80/10060-Mod-10)**