

# Modification of Development Consent

## Section 4.55(1A) 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 24 July 2019

### SCHEDULE 1

The development consent for the Mount Piper Power Station (DA80/10060), granted by the Minister for Planning and Environment on 1 April 1982.

### SCHEDULE 2

- Delete the 'Abbreviations and Interpretations' list, including the heading, and replace with:

#### DEFINITIONS

<b>Applicant</b>	EnergyAustralia Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCD</b>	Biodiversity Conservation Division within the Department
<b>Construction</b>	All physical works to enable operation, including but not limited to, the carrying out of earthworks on site and the construction of solar panels and ancillary infrastructure (but excludes upgrades to the public roads required under this consent, geotechnical drilling and surveying).
<b>Council</b>	Lithgow City Council
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>DPIE Water</b>	Water Division within the Department
<b>DRG</b>	Division of Resources and Geoscience within the Department
<b>EPA</b>	NSW Environment Protection Authority
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition to ensure it is safe, stable and non-polluting
<b>RMS</b>	NSW Roads and Maritime Services
<b>Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Site</b>	Mount Piper Power Station
<b>the Act</b>	<i>Environmental Planning and Assessment Act 1979</i>

2. Delete all references to "Department of Mineral Resources" and replace with "DRG".
3. Delete all references to "Department of Environment and Climate Change" and replace with "BCD".
4. Delete all references to "Sydney Catchment Authority" and replace with "WaterNSW".
5. Delete all references to "Department of Land and Water Conservation" and replace with "DPIE Water".
6. Delete all references to "Department of Main Roads" and replace with "RMS".
7. Delete all references to "Director-General" and replace with "Secretary".
8. Delete all references to "Minister for Urban Affairs and Planning" and replace with "Minister".
9. In the citation of the development titled 'Whereas', in paragraph (a), after the words "Secretary of the Department", delete the words "of Environment and Planning (hereinafter called the "Department")".
10. In condition 1, delete the words "Pollution Control Act 1970, Clean Air Act 1961, Clean Waters Act 1970, Waste Minimisation and Management Act 1995" and replace with "*Protection of the Environment Operations Act 1997, Waste Avoidance and Resource Recovery Act 2001*".
11. In condition 38C, delete the words ", the Department of Water and Energy,".
12. In condition 42, delete the full stop at the end of the paragraph and insert the words "or *Water Management Act 2000*."
13. After condition 43 insert the following:
 

43A. The Applicant must update the Water Management Plan required by Condition 43 to the satisfaction of the Secretary, prior to commissioning the storage pond associated with Modification 8.

The Applicant must implement the approved Water Management Plan.
14. In condition 52 and condition 53, delete:
  - a) "11 and 12" and replace with "2 and 3"; and
  - b) "766" and replace with "13007".
15. In condition 55:
  - a) in paragraph (b), after the words "requirements of the", delete "DEC" and replace with "EPA"; and
  - b) in the last paragraph, delete "DEC" and replace with "EPA".
16. After condition 56 insert the following:
  57. Prior to the commencement of construction associated with Modification 8, the Applicant must prepare and implement a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP must be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) to outline environmental management practices and procedures to be followed during construction, including:
    - (b) erosion and sediment controls;
    - (c) an unexpected finds protocol for contamination;
    - (d) noise management measures;
    - (e) air quality management measures; and
    - (f) traffic and access management measures.

The Applicant must implement the approved CEMP.

**End of modification  
(DA80/10060 MOD 8)**