

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	Eraring Power Station - Ash Dam Expansion (MP07_0084 MOD 2)
Applicant	Origin Energy Eraring Pty Ltd
Consent Authority	Minister for Planning

Decision

The Executive Director – Energy, Resources and Industry Assessments, under delegation from the Minister for Planning has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**), approved the modification to the Eraring Power Station - Ash Dam Expansion (the project) subject to the recommended conditions.

A copy of the Department of Planning and Environment (Department)'s Assessment Report, Instrument of Modification and conditions as modified is available at <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-ash-recycling-facilities>.

Date of decision

21 June 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original approval;
- all information submitted with the modification application and during the Department's assessment;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the modification application (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the project approval as modified relates is substantially the same development as the development authorised by the project approval.

The key reasons for approving the modification application are as follows:

- the modification is permissible with consent and is consistent with NSW Government policies, including the NSW Government's *Circular Economy Policy Statement* and *NSW Waste and Sustainable Materials Strategy 2041* and NSW Coal Ash Inquiry;
- the issues raised by the community during consultation and in submissions and additional representation have been considered and adequately addressed in the Department's Assessment Report and recommended conditions of approval;
- the environmental impacts, including the likely impacts on the local traffic, can be effectively minimised and managed to an acceptable level subject to the implementation of strict revised conditions in accordance with applicable NSW Government policies and guidelines;
- continuation of the project's social, economic and environmental benefits through reducing the amount of ash required to be stored in the ash dam and associated environmental impacts, direct employment of 2 additional operational staff, up to 20 construction staff and indirect employment of transport contractors; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification application from 28 September 2021 until 11 October 2021 (a total of 14 days) and received advice from 5 government agencies, a submission from Lake Macquarie City Council, 17 unique submissions from the general public, and 3 submissions from special interest groups, and an additional community representation received after the exhibition period.

The key issues raised in the community submissions and representation and considered in the Department's Assessment Report and by the decision maker predominantly related to the project's impacts on local traffic (congestion and traffic safety), including consideration of alternative ash recycling and haulage options. Other issues raised, including noise and air quality are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic impacts</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none">• Operation of the modified project would increase the project's ash recycling capacity and ash haulage from the site using the local and State road network and has the potential to result in additional impacts on the local road network (congestion and traffic safety) due to the required additional heavy vehicle movements.• Following consultation with Transport for New South Wales and Lake Macquarie City Council, the Department considers that the traffic assessment was conservative and there would be adequate capacity on the existing road network to manage the potential congestion and traffic safety impacts to at acceptable level, subject to recommended revisions to the conditions of approval. <p><i>Conditions</i></p> <ul style="list-style-type: none">• Requirements for an Operational Traffic Management Plan in addition to the currently required Construction Traffic Management Plan, including requiring Origin to minimise traffic volumes through the Morisset town centre in the afternoon peak (between 4 pm and 6 pm) given the existing congestion in this location, and during the night time period (between 10 pm and 7 am).• Road maintenance contributions by Origin to Lake Macquarie City Council based on a levy per tonne of ash hauled from the site.