

**NOTICE OF AMENDMENT OF A DEVELOPMENT CONSENT GRANTED UNDER
SECTION 101 OF THE UNAMENDED ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 PURSUANT TO SECTION 96(2) OF THE AMENDED
ACT.**

I, the Minister for Urban Affairs and Planning, pursuant to Section 96(2) of the amended Environmental Planning and Assessment Act 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2 (S90/01696).

Andrew Refshauge MP
Deputy Premier
Minister for Urban Affairs and Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 3 April 2000

ABBREVIATIONS AND INTERPRETATION

The Director-General.....	Director-General of the Department of Urban Affairs and Planning
The Council.....	Lithgow City Council
The Applicant.....	Delta Electricity
DLWC.....	Department of Land and Water Conservation
EPA.....	New South Wales Environment Protection Authority
SCA.....	Sydney Catchment Authority
The Site.....	Mount Piper Power Station
Relevant Authority.....	EPA, DLWC or SCA

SCHEDULE 1

Development consent granted by the Minister for Planning and Environment on 1 April 1982, in respect of a development application made by the Applicant, the Electricity Commission of New South Wales, to the Greater Lithgow City Council for construction and operation of a power station known as the Mount Piper Power Station, as modified on 18 March 1991 and 21 June 1996 and 18 January 1999.

SCHEDULE 2

Delete Condition 34 of the development consent.

Renumber Condition 38 as Condition 49.

Insert the following Conditions 38 to 48, inclusive.

- 38) The Applicant shall carry out modifications to the development generally in accordance with the Statement of Environmental Effects (SEE) dated August 1999, prepared by Environmental Services, Pacific Power International for Delta Electricity, and as modified by the following conditions. Any alteration, variation or extension of the development shall require the further consent of the Minister for Urban Affairs and Planning.
- 39) The Applicant shall, prior to the first placement of brine-conditioned flyash, apply to the EPA for a modification to the EPA licence for the Site. The licence modification shall address conditions for the continued on-site storage of brine, the placement of brine-conditioned flyash, and any reasonable requirements of the EPA.

WATER MONITORING PROGRAMS

- 40) The Applicant shall, at least one month prior to the first placement of brine-conditioned flyash, consult with the EPA, DLWC and SCA to establish the requirements for Water Monitoring Programs for groundwater and surface water. The Water Monitoring Programs shall:
 - (i) be based on the monitoring programs presented in the Statement of Environmental Effects for this modification;
 - (ii) include water quality testing at a minimum frequency of every three months;
 - (iii) be at the expense of the Applicant.
- 41) The Applicant shall expand the groundwater and surface water monitoring programs, including, if so required, the establishment of additional groundwater monitoring bores and surface water sampling points, in accordance with any reasonable requirements of the EPA, DLWC or SCA.
- 42) The Applicant shall, prior to the construction or operation of any monitoring bore on or in the vicinity of the development, consult with DLWC regarding the licensing of any bore on or in the vicinity of the development, under the provisions of the *Water Act 1912*.

WATER MANAGEMENT PLAN

- 43) At least one month prior to the placement of brine-conditioned flyash, or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the EPA, the Sydney Catchment Authority, DLWC, Council, and the Director-General, a Water Management Plan (WMP) which shall include, but not be limited to:
 - a) Details of the monitoring programs for surface water and groundwater required under conditions 40 and 41.
 - b) Details of measures to be employed to control surface water run-off from the site.

- c) Contingency plans for the mitigation of environmental impacts should run-off or leachate from the site be found to be negatively impacting on natural surface water or groundwater.
- d) Brine management objectives and strategies, with specific reference to measures aimed at reducing the volume of brine produced at the Mount Piper Power Station.

ENVIRONMENTAL MONITORING REPORT

- 44) The Applicant shall provide to the Director-General, EPA, DLWC SCA and Council, an Environmental Monitoring Report (EMR) on a yearly basis, with the first EMR to be submitted no later than six months after the first placement of brine-conditioned flyash on-site. The Applicant shall agree to Council making the Environmental Monitoring Reports available on request for public inspection.
- 45) The Environmental Monitoring Report shall include, but not be limited to:
 - (a) a summary and discussion of all available results and analyses from Water Monitoring Programs;
 - (b) a discussion of the aims of the Water Management Plan and to what degree these aims have been attained in the context of results and analyses of the Water Monitoring Programs;
 - (c) actions taken, or intended to be taken, if any, to mitigate any adverse environmental impacts; and to meet the reasonable requirements of the Director-General, EPA, DLWC, Sydney Catchment Authority or Council.

GROUNDWATER MODELLING

- 46) The Director-General, EPA, DLWC, SCA or Council may, based on the results and analyses presented in the Environmental Monitoring Report, or any other information that may be reasonably interpreted as indicating significant impacts on the groundwater quality in the vicinity of the Site as a result of the placement of brine-conditioned flyash, request the preparation of a Groundwater Modelling Report.
- 47) The Groundwater Modelling Report shall be an update of the groundwater modelling presented in the Statement of Environmental Effects for this modification and will employ the results and analyses of the Water Monitoring Programs to calibrate the groundwater contaminant transport model. The Groundwater Modelling Report shall be prepared by a qualified person approved by the Director-General or relevant Authority.
- 48) The Applicant shall comply with any reasonable requirement of the Director-General, DLWC, EPA, SCA or Council with regard to the content or scope of the Groundwater Modelling Report, or actions to be taken in response to the results of the report.