

# Concept Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) to approve the concept plan referred to in Schedule 1, subject to the modifications in Schedule 2;
- b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the gas turbine facility project requires no further environmental assessment;
- c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that the natural gas pipeline project is subject to Part 5 of the Act; and
- d) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that the subdivision of land project is subject to Part 4 of the Act.

Frank Sartor MP  
**Minister for Planning**

Sydney

2006

File No: 9037381

### SCHEDULE 1

<b>Application No:</b>	05_0195
<b>Proponent:</b>	Delta Electricity
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Part Lot 61 DP1065038, Munmorah Power Station, Munmorah, Wyong local government area
<b>Proposal:</b>	Munmorah Gas Turbine Facility and associated infrastructure
<b>Major Project:</b>	The proposal is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is a project of a kind described in clause 24 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i>
<b>Concept Plan Authorisation:</b>	On 30 November 2005, the Minister for Planning authorised the submission of a concept plan for the proposal.

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## **SCHEDULE 2**

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Wyong Shire Council
<b>DEC</b>	Department of Environment and Conservation
<b>Department, the</b>	Department of Planning.
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>EA</b>	<i>Munmorah Gas Turbine Facility, Environmental Assessment, Submission to NSW Department of Planning</i> , prepared by Parsons Brinckerhoff Australia Pty Ltd and dated December 2005
<b>Gas turbine facility project</b>	all components of the development except for subdivision works or the construction and operation of gas supply, metering or compression infrastructure
<b>Minister, the</b>	Minister for Planning
<b>Natural gas pipeline project</b>	the construction and operation of all gas supply, metering or compression infrastructure
<b>Proponent</b>	Delta Electricity
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Site</b>	Land to which Major Projects Application 05_0195 applies.
<b>Subdivision of land project</b>	all works associated with the subdivision the site
<b>Submissions report</b>	<i>Munmorah Gas Turbine Facility, Submissions Report</i> , prepared by Parsons Brinckerhoff Australia Pty Ltd and dated May 2006

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Concept Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
  - a) Major Projects Application 05\_0195;
  - b) *Munmorah Gas Turbine Facility, Environmental Assessment, Submission to NSW Department of Planning*, prepared by Parsons Brinckerhoff Australia Pty Ltd and dated December 2005;
  - c) *Munmorah Gas Turbine Facility, Submissions Report*, prepared by Parsons Brinckerhoff Australia Pty Ltd and dated May 2006; and
  - d) the conditions of this approval.
- 1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this concept approval and any project approval granted for the project, this concept approval shall prevail to the extent of the inconsistency.

### Limits of Approval

- 1.4 This concept approval shall operate from the date the approval is endorsed by the Minister.
- 1.5 This concept approval shall lapse five years after the date the approval is endorsed by the Minister, unless works the subject of the project approval for the gas turbine facility are physically commenced on or before that date.

## 2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

### Gas Turbine Facility Project

- 2.1 The gas turbine facility project requires no further environmental assessment and is the subject of a separate instrument of approval.

### Natural Gas Pipeline Project

- 2.2 For the purpose of assessment of the natural gas pipeline project, the Proponent must prepare and submit the following documentation to the relevant determining authority, or authorities:
  - a) a demonstration that the final design of the natural gas pipeline project is consistent with this concept approval and the environmental envelope described in the EA and described in the submissions report;
  - b) a revised **Flora and Fauna Management Plan**, developed in consultation with the Wyong Shire Council and DEC, and detailing how construction, operation and maintenance of the project will be undertaken to minimise impacts on flora and fauna;
  - a) a **Preliminary Hazard Analysis** which shall include but not necessarily be limited to:
    - i) details of layout and a location plan for the pipeline inlet facility showing land uses within effect distance and distances to nearest residences;
    - ii) a demonstration that the inlet facility (compressor station building at pipeline off-take) has adequate safeguards or is sufficiently far from the main Newcastle pipeline and the freeway such that each does not impose an unacceptable level of risk on the other;
    - iii) details of pipeline maximum operating pressure, temperature, wall thickness, design factor and material grade, depth of burial and other risk reduction measures. Where these parameters change for different sections of pipeline, the sections should be clearly identified and the parameters shown in a table; and
    - iv) details of how the Proponent has resolved, in consultation with Transgrid, those concerns outlined in part A of Transgrid's letter to the Department dated 10 February 2006. In particular, the Proponent must demonstrate adequate resolution of concerns in relation to ground currents and earth potential rise during faults, corrosion associated with proximity to AC transmission lines, safety

hazards due to longitudinal induction, DC railway induction issues if relevant, electrostatic induction and jet fires and explosions due to gas leaks.

- c) an **Aboriginal Heritage Assessment** for the project, prepared in accordance with the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC, 2005) and in consultation with the DEC;
- d) a demonstration that the final route selection for the natural gas pipeline project has considered and resolved any potential existing land use conflicts, and considered potential future land use conflicts; and
- e) details of the environmental impact mitigation measures that will be applied as part of the environmental management of the project.

Note: the Preliminary Hazard Analysis shall be submitted to the Director-General for approval prior to seeking approval to proceed with construction.

- 2.3 Prior to seeking approval for the natural gas pipeline project, the Proponent shall write to each landowner/ occupier within the “proposed pipeline route corridor” indicated in Figure 6.1 of *Munmorah Gas Turbine Facility, Submissions Report*, prepared by Parsons Brinckerhoff Australia Pty Ltd and dated May 2006, and invite each landowner/ occupier to make a submissions on:
- a) the final route selected for the natural gas pipeline project; and
  - b) any aspect of the assessment documentation prepared for submission to the determining authority, or authorities.

The Proponent shall make all relevant documentation available for inspection by the landowners/ occupiers for a period of no less than 14 calendar days, excluding any public holidays that may occur within that consultation period.

- 2.4 In seeking approval for the natural gas pipeline project, the Proponent shall demonstrate to the determining authority, or authorities, how it has adequately addressed any issues raised by landowners/ occupiers.
- 2.5 The determining authority, or authorities, shall not grant approval to the natural gas pipeline project unless and until the Proponent has demonstrated that the project will be consistent with relevant Australian Standards, published natural gas safety requirements and relevant land use safety criteria, as detailed in *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning* (DoP, 2002).

### **Subdivision of Land Project**

- 2.6 The consent authority for any application for the subdivision of land project is the local council.
- 2.7 The Proponent shall provide such information as may be required by the consent authority with respect to the assessment of the subdivision of land project.

## **3. GENERAL ENVIRONMENTAL CONDITIONS**

- 3.1 Notwithstanding the project-specific requirements of this concept approval, or any project specific conditions that may be imposed through the relevant project approval, each project under this concept plan shall comply with the general environmental requirements specified in conditions 3.2 to 3.15.

### **Noise Impacts**

- 3.2 The Proponent shall minimise noise emissions from plant and equipment operated during the construction and operation of the development and each of its project components by installing and maintaining, wherever reasonable and practicable, efficient silencers, low-noise

mufflers (residential standard) and replacement of reversing alarms with alternative measures, such as flashing lights.

- 3.3 The Proponent shall only undertake construction activities associated with the development and each of its project components, that are audible at any residential receptor, between the following hours:
- a) 7.00 am to 6.00 pm, Mondays to Saturdays inclusive for works associated with the construction of the natural gas pipeline;
  - b) 7.00 am to 6.00 pm, Mondays to Fridays inclusive and 8.00 am to 1.00 pm on Saturdays for the gas turbine facility project and all other project components; and
  - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

### **Air Quality Impacts**

- 3.4 The Proponent shall construct the development and each of its project components in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.
- 3.5 All trafficable areas and vehicle manoeuvring areas associated with the development and each of its project components shall be maintained in a condition that minimises the generation or emission of wind blown or traffic generated dust at all times.
- 3.6 Heavy vehicles entering and leaving the site that are carrying loads shall be covered at all times, except during loading and unloading activities.
- 3.7 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

### **Traffic and Transport**

- 3.8 The Proponent shall take reasonable measures to ensure that heavy vehicles accessing the site shall not queue within the adjacent local road network.
- 3.9 The Proponent shall take reasonable measures to ensure that vehicles used for the construction and/or operation of the development and each of its project components shall not park on local roads in the vicinity of the project at any time.

### **Surface Water**

- 3.10 Except as may be expressly provided by an Environment Protection Licence for the development or a relevant project component, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.
- 3.11 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

### **Visual Amenity Impacts**

- 3.12 The Proponent shall ensure that all external lighting associated with the development and each of its project components is mounted, screened, and directed in such a manner so as

not to create a nuisance to the surrounding environment, properties and roadway. The lighting shall be the minimum level of illumination necessary and shall comply with AS 4282(INT) 1997 – *Control of Obtrusive Effects of Outdoor Lighting*.

- 3.13 This concept approval does not permit the display of any advertisement, or the erection of any advertising structure, in associated with the development or any of its project components.

#### **Waste Generation and Management**

- 3.14 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal or any waste generated by the project to be disposed of at the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

- 3.15 All waste materials generated as a consequence of the development or its project components shall only be directed to a waste management facility lawfully permitted to accept the materials.

#### **4. COMPLIANCE MONITORING AND TRACKING**

##### **Compliance Tracking Program**

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this concept approval and all related project approvals. The Program shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the development and each of its project components;
  - b) provisions for periodic reporting of compliance status to the relevant approval authority;
  - c) a program for independent environmental auditing of the development, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
  - d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

#### **5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

- 5.1 Subject to confidentiality, the Proponent shall make all documents required under this concept approval and any relevant project approval available for public inspection on request.

##### **Provision of Electronic Information**

- 5.2 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the development. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) information on the development, each of its project components and the current implementation status of each;
  - b) a copy of this concept approval and all related project approvals;
  - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;
  - d) a copy of each monitoring program and each environmental management required under this concept approval or under each relevant project approval;
  - e) details of the outcomes of reviews and audits of the development and each of its project components undertaken in accordance with the Compliance Tracking Program referred to under condition 4.1; and
  - f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.

