Notice of Modification

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

As delegate of the Minister for Planning and Public Spaces, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Mike Young
Acting Executive Director
Energy & Resources

Sydney 25 JULY 2019

SCHEDULE 1

The development consent (SSD 5144) for the Mandalong Southern Extension Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning on 12 October 2015.

SCHEDULE 2

1. In the list of Definitions, delete the following terms for "Department", "DoI Water" and "OEH", and their definitions, and insert the following in alphabetical order:

BC Act	*Biodiversity Conservation Act 2016*
BCD	Biodiversity and Conservation Division within the Department
Department	Department of Planning, Industry and Environment
DPIE Water	Water Division within the Department
EEC	Endangered ecological community, as defined under the BC Act
Modification 7	The modification to the development, as described in SEE (Mod 7)
SEE (Mod 7)	Statement of Environmental Effects titled '*Mandalong 33 kV power line*' dated February 2019 and prepared by Centennial Mandalong Pty Ltd

2. Delete all references to "OEH" and replace with "BCD".

3. Delete all references to "DoI Water" and replace with "DPIE Water".

4. In condition 2 of Schedule 2:
   (a) delete the "and" in sub-paragraph (b) and replace with a comma; and
   (b) after "SEE (Mod 6)", insert "and SEE (Mod 7)".

5. In condition 1 of Schedule 3, after "(excluding shaft construction)", insert ", including activities undertaken for Modification 7,".

6. After condition 20 in Schedule 3, insert the following:

Biodiversity Offset Credits

20A. Within 12 months of the commencement of construction activities for Modification 7, unless otherwise agreed by the Secretary, the Applicant must retire biodiversity credits as set out in Table 5 below. Retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014), to the satisfaction of BCD.

Table 5: *Biodiversity credit requirements*

Credit Type	Credits Required
Ecosystem Credits	
PCT 1568 – Blackbutt - Turpentine - Sydney Blue Gum mesic tall open forest	1
PCT 1573 – Sydney Blue Gum - Lilly Pilly mesic tall open forest	9
PCT 1588 – Grey Ironbark - Broad-leaved Mahogany - Forest Red Gum shrubby open forest	147
PCT 1619 – Smooth-barked Apple - Red Bloodwood - Brown Stringybark – Hairpin Banksia heathy open forest	36
PCT 1638 – Smooth-barked Apple - Red Bloodwood - Scribbly Gum grass – shrub woodland	4
Species Credits	
Glossy-Black Cockatoo (*Calyptorhynchus lathami*)	229
Green-Thighed Frog (*Litoria brevipalmata*)	9

7. After condition 27 in Schedule 3, insert the following:

27A. The Applicant must prepare a Construction Traffic Management Plan for management of construction activities for Modification 7, to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with LMCC and residents likely to be affected by construction traffic;
- (b) be approved by the Secretary prior to the commencement of construction activities associated with Modification 7;
- (c) include details of all transport routes and traffic types to be used by construction-related traffic;
- (d) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during construction activities, including:
  - (i) employee / contractor parking;
  - (ii) notifying the local community about construction-related traffic impacts;
  - (iii) responding to any emergency repair requirements or maintenance during construction activities; and
  - (iv) a traffic management system for managing over-dimensional vehicles; and
- (e) include a drivers' code of conduct that addresses;
  - (i) travelling speeds; and
  - (ii) procedures to ensure that drivers implement safe driving practices.

The Applicant must implement the management plan as approved by the Secretary.

8. At the end of Appendix 8 Statement of Commitments, insert the following:

Mod 7 – Construction of a 33 kV powerline

Aspect	Commitment
Aboriginal Cultural Heritage	The following mitigation measures will be implemented: • Centennial Mandalong will ensure that its employees and contractors are aware that it is an offence under Section 86 of the NPW Act to harm or desecrate an Aboriginal object unless that harm or desecration is authorised by an approved ACHMP (as applicable to the current Project) and the requirements of that plan have been met in relation to mitigation activities; • The CEMP will include all heritage commitments from the Aboriginal Cultural Heritage Assessment Report and will address specific management requirements for the Project; • The three newly identified isolated artefacts (Mandalong IF 1-3) located within the existing power line easement (refer Figure 9) will be subject to surface collection in accordance with the methodology provided in the Aboriginal Cultural Heritage and Archaeological Assessment (Umwelt, 2019); • For the duration of the Project, temporary protection (in the form of high visibility fencing) will be put in place at grinding groove sites AHIMS 45-3-3470, 45-3-3526 and 45-3-3527 to prevent incidental impacts during Project works; • Due to the potential for additional grinding groove sites to be present (but not visible) along minor drainage lines within the Project Area, heavy vehicle movements will be avoided across any areas of sandstone exposure on minor drainage lines;

	• Following the completion of vegetation clearance in the areas of low-moderate archaeological potential (refer Figure 10) an opportunity will be provided for an additional inspection of these areas by an archaeologist and Aboriginal party representatives. Any surface artefacts may be subject to surface collection in accordance with the Aboriginal Cultural Heritage and Archaeological Assessment (Umwelt, 2019). The opportunity will be provided to an archaeologist and the registered Aboriginal parties to monitor removal of topsoil within the area of low-moderate archaeological potential (including that disturbed for excavation of the pole location) and to collect any Aboriginal objects that may be identified; and • In the event that a previously unrecorded Aboriginal object is identified within the Project Area, it will be managed in accordance with the unexpected finds protocol included in the ACHMP.
Noise	To minimise noise emissions from construction works the following reasonable and feasible controls will be implemented: • Community consultation will be undertaken prior to the commencement of and during construction. All residents who will likely experience noise levels above the noise affected levels for construction work prescribed in the ICNG will be informed of the nature of works to be carried out, the expected noise levels and duration, as well as contact details in the event of a complaint; • Construction activities will be restricted to the day period (Monday to Friday 7:00am to 6:00pm, Saturday 8:00am to 1:00pm and no work on Sundays or public holidays). It should be noted that there may be a requirement for certain activities such as stringing or cutting in to occur outside of these hours however Centennial Mandalong will consult as necessary with affected residents; • Quietest available equipment will be selected where possible for affected locations and noisy activities should be scheduled for the least noise sensitive time of day; • The mulcher will not operate within 100 m of any residence; • Clearing crews that include a mulcher will maintain a separation of 900 m when working on the proposed easement north of Schofield Road; • All equipment will be inspected and maintained on a regular basis to ensure they are in good working order; • Simultaneous operation of plant will be restricted where possible; • Operations will be modified in the event of enhancing weather conditions that cause an unacceptable increase in offsite noise levels; • The noise mitigation measures will be included in the CEMP developed for the project; and • Centennial will consult and undertake ongoing consultation with affected residents to give sufficient notice of any helicopter activity.
Biodiversity	The following mitigation measures will be implemented during construction of the Project to avoid and minimise impacts on native vegetation and habitat. These will be documented in the CEMP for the Project: • Impacts on Fauna and their Habitat: o Retain habitat trees and significant tree limbs (where possible); o Confirm habitat tree numbers and distribution; o Mark habitat trees and estimate height; o Identify limbs of habitat value with enough clearance below power lines for retention; and o Clearly mark out a buffer area to prevent damage during construction; • Install substitute habitat: o Habitat trees to be impacted by the proposed works are to be quantified and offset adjacent to the site; and o Hollow bearing trees are to be replaced by nest boxes at a ratio of at least 1:1; • Fauna protection protocols: o Pre-clearance surveys by qualified ecologist prior to tree removal; and o Apply procedures to safely fell habitat trees and release areas for any rescued fauna; • Retain other habitat attributes: o Hollow logs and rock habitat within the clearance areas will be retained and carefully placed into the adjacent bushland; • Maintain upper catchment hydrology (maintain ephemerality): o Erosion and sediment controls will be designed to prevent permanent or semi-permanent ponding of water where possible; Indirect impacts on native vegetation and habitat:

	• Protect adjacent habitat or vegetation: o Boundaries for vegetation removal clearly established prior to clearing using tape/rope; o All vehicles and equipment accessing site must use established access tracks only; and o Restrict load/equipment set down areas to well within the designated impact area; • Minimise noise and light spill: o Avoid night work; and o Take measures to reduce noise. • Dust management: o Visual monitoring of dust generated during earthworks, suspending work if dust is blown into adjacent bushland and use of water carts; • Weed and pathogen management: o Good hygiene practices are to be used to reduce the risk of spreading weeds and pathogens, including ensuring that all machinery, materials and personnel are clean of any weed seed to entering the site Priority Weeds listed under Biosecurity Act 2015 to be actively managed on site to limit the spread of weeds into the adjacent forested areas; o Weeds removed from the subject site are to be disposed of appropriately at an approved waste facility; o Occurrences of pathogens (e.g. Myrtle Rust and Phytophthora) will be reported, treated and monitored; and o Quarantine controls will be applied to prevent introduction of Chytrid disease; • Partitioning off threatened flora species: o Patches of threatened plants are to be identified and marked out to minimise indirect impacts of clearing/construction activities; and o A qualified ecologist is present during initial vegetation removal to identify these environmentally sensitive areas; • CEMP: o The Project CEMP will include the safeguards included in the BDAR and detail unexpected threatened species finds procedure and rehabilitation following construction; • Staff and contractor training and site briefing to educate contractors on biodiversity management measures; o Contractors are made aware of biodiversity management measures through toolbox talks and review of the CEMP; • Sediment and erosion controls: o Erosion and sediment control measures are to be implemented and maintained to reduce sediment moving offsite, and sediment laden water entering any watercourse; o Erosion controls are to be regularly inspected for their functionality and maintained if required, especially after rainfall; o Excavated material should be stockpiled well away from areas where native vegetation is to be retained and waterways; and o Work areas stabilised progressively during works; • Prevent Water Pollution: o No release of dirty water into drainage lines/waterways. Water will be released from the easement during construction via sediment controls; o All fuel/chemicals are to be stored in either self-bunded containers or in a bunded facility; o An emergency spill kit is always to be kept on sites where equipment is being used; o An emergency spill response plan will be appended to the CEMP; and o Regular inspection of equipment and vehicles for fuel or oil leaks; • Avoid vehicle strike: o Vehicles will adhere to a 40 km/hr speed limit on dirt tracks.
Air Quality	To minimise air quality impacts from construction works the following measures will be implemented: • Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager. The head or regional office contact information would also be displayed;

	• Develop and implement an Air Quality Management Plan (AQMP), which may include measures to control other emissions, which will be included in the Contractor CEMP; • Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken; • Make the complaints log available for relevant regulators as required; • Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation; • Perform daily inspections to monitor dust and record inspection results; • Carry out regular visual site inspections to monitor compliance with the AQMP and record visual inspection results; • Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged adverse weather conditions; • Cover, seed or fence stockpiles to minimise wind erosion; • Ensure all on-road vehicles comply with relevant vehicle emission standards, where applicable; • Minimise prolonged idling of vehicles; • Minimise the use of diesel or petrol powered equipment by using battery powered equipment where practicable; • Ensure an adequate water supply for the site for effective dust/particulate matter suppression/ mitigation, only using non-potable water, where possible and appropriate; • Minimise drop heights from loading or handling equipment; • Waste materials will be disposed of at an appropriate facility. There will be no burning of waste materials; • Use water-assisted dust sweeper(s) on the access and local roads to remove, as necessary, any material tracked out of the site; • Avoid dry sweeping of large areas; • Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport; • Record all inspections of haul routes and any subsequent actions.
Visual	The visual mitigation measures to implemented during the construction of the Project will be: • Undertaking a review of materials and colour finishes for selected components including the use of non-reflective finishes to structures where possible; • Minimising tree removal where possible; • Avoidance of temporary light spill beyond the construction site where temporary lighting is required; • Progressively rehabilitating any disturbed areas where necessary; • Protecting mature trees alongside transmission line easements where retained; and • These mitigation measures will be captured within the Project's CEMP.
Bushfire	The bushfire mitigation measures to be implemented during the construction of the Project will be: • The power line will be constructed in accordance with the Ausgrid vegetation clearance requirements specified in Ausgrid Network Standard NS179 Vegetation Management (with clearance zones of up to 63 m wide) to allow for the safe operation of the line in all meteorological conditions; • All fuels and flammable materials used during construction will be stored appropriately; • All machinery will be maintained to operate in good working order to minimise ignition risks; • Contractor vehicles and machinery will be fitted with fire extinguishers; • Staff will be made aware of their obligations for minimising bushfire risk during construction, e.g. no smoking on site, etc.; • The recognition of "Very High" (or greater) Fire Danger Rating days should inform people's movements in bushland areas and trigger a requirement to view the "Current Fires and Incidents" page on the RFS website (https://www.rfs.nsw.gov.au/fire-information/fires-near-me); • All contractors working on site will be made aware of the emergency evacuation procedures in the event of a bush fire; and • Bushfire mitigation measures, as well as emergency evacuation procedures will be included in the CEMP.

Surface and Groundwater	The following mitigation measures will be applied: • Poles will be installed progressively along the alignment to ensure minimum ground disturbance at any one time; • As there is the potential for erosion and sediment impacts to occur during the construction phase, mitigation and management measures will be implemented as required in accordance with: o *Managing Urban Stormwater: Soils and Construction – Volume 1* (Landcom 2004) also known as The Blue Book; and o *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of services; and Managing Urban Stormwater: Soils and Construction – Volume 2C Unsealed roads*; • Install water crossings enabling works as necessary to assist with construction access within the 4.5 m disturbance width; • All areas temporarily disturbed during construction of the power line will be revegetated as soon as practical following completion of construction; • Control measures will be implemented to manage risks associated with the handling of fuel through providing spill kits in close proximity to major plant items. Any temporary fuel storage will be positioned away from waterways and bunded.
Waste	The following mitigation measures will be implemented to manage waste generated by the Project: • Any excess VENM will be transported to the Newstan Colliery reject emplacement areas or Hawkmount Quarry; • With the exception of logs/timber requested by the landholders, any green waste generated during clearing will be mulched, and then either: o Used on site for sediment and erosion control; o Used at the MSSS for sediment and erosion control; o Transported to Newstan Colliery for rehabilitation works; or o Provided to any of the landholders along the power line easement; • All other wastes generated during construction such as construction materials, paper/cardboard, and domestic waste will be removed from site and disposed of at an appropriately licensed waste facility; and • Opportunities for waste reduction will be identified in accordance with the *Waste Avoidance and Recovery Act 2001*. This will include, but not be limited to, the segregation of material for reuse, recycling and/or disposal.