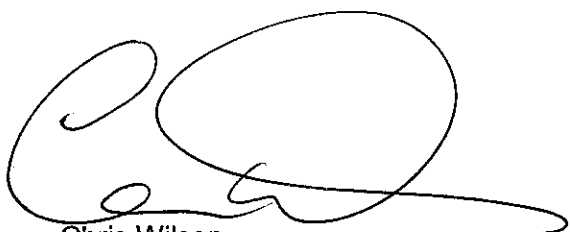


Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

I, the Executive Director, Major Project Assessments, as delegate for the Minister for Planning, modify the development consent referred to in Schedule 1, in the manner indicated in Schedule 2.



Chris Wilson
Executive Director
as Delegate for the Minister for Planning

Sydney

6 July

2007

File No: S03/01578

SCHEDULE 1

Development Consent:	Granted by the then Minister for Infrastructure and Planning on 10 June 2005.
In respect of:	Development application DA-31-2-2004-i made by Wambo Power Ventures Pty Ltd on 4 February 2004, in relation to land described as Lot 782 DP 878179 and Lot 76 DP 754573, Parish of Yarragundry, County of Mitchell, Uranquinty, Wagga Wagga Local Government Area.
For the following:	The construction and operation of a 600 megawatt (MW) peak load/ high shoulder load gas-fired power station, in two stages.
Modification Application:	Modification (MOD-47-5-2007-i) of the development consent to change the operation noise limits for the development.

SCHEDULE 2

The development consent is modified by:

1. replacing condition 3.11 with the following:

- 3.11 The Applicant shall design, construct, operate and maintain the development to ensure that the noise contributions from the development to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 1, at those locations and during those periods indicated. The maximum allowable noise contributions apply under wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level), or under temperature inversion conditions of up to 3°C/100m and under wind speeds up to 2 ms⁻¹ (measured at 10 metres above ground level).

Table 1 - Maximum Allowable Noise Contribution

Location	Day 7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Any residence	35	35	35	45

2. replacing condition 3.12 with the following:

- 3.12 For the purpose of assessment of noise contributions specified under condition 3.11 of this consent, noise from the development shall be:
- at any point within the residential boundary, or at any point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
 - notwithstanding Table 2, where the noise contribution levels are subject to modification factors provided in Section 4 of the New South Wales Industrial Noise Policy (EPA, 2000), the noise contribution levels Table 3 apply.

Table 3 - Maximum Allowable (modified) Noise Contribution

Location	Day 7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Pine Grove	38	38	38	45
The Wardrobe	37	37	37	45
Wallace	37	37	37	45
Any other residence	35	35	35	45

Note: Location names correspond with the properties identified by these names in the *Environmental Impact Statement, Proposed Wagga Wagga Gas-Fired Power Station, 2004*.

Should direct measurement of noise from the development be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the New South Wales Industrial Noise Policy (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

- 3.12A In the event that noise complaints are received under adverse weather conditions from the residences described as "Pine Grove", "The Wardrobe" or "Wallace", the Applicant shall within one week of receiving the complaint undertake night-time operational noise monitoring at the affected residence for a period of two weeks to confirm the occurrence of operational noise levels greater than $L_{Aeq(15 \text{ minute})}$ 35 dB(A) once the modification factors described in Section 4 of the New South Wales Industrial Noise Policy have been taken into account. Should such an exceedance exist, the Applicant shall employ a suitably qualified independent acoustic professional to prepare, in consultation with the landowner, a Noise Mitigation Design Report with the objective of providing a satisfactory level of internal noise amenity. The report is to be completed within two months of the completion of monitoring or as otherwise agreed by the landowner.
- 3.12B Within one month of completing the report referred to in condition 3.12A, Applicant is to have entered into an agreement with the landowner to implement suitable feasible and reasonable noise mitigation measures. In the event of a dispute in reaching an agreement or over the agreement itself, either party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties. Any formal advice or further assessment required by the Director-General to resolve this matter shall be funded by the Applicant.
- 3.12C Within three months of this consent, the Applicant shall notify all applicable landowners that they are entitled to receive additional noise mitigation measures, per that described by condition 3.12.
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