

***MODIFICATION REQUEST:
Wellington Gas Fired Power Station***

MP 06_0315 MOD 2



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2015

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EXECUTIVE SUMMARY

On 4 March 2009, the then Minister for Planning granted project approval (MP 06_0315) for the construction and operation of a gas fired power station at Wellington. This approval included construction and operation of four gas-fired turbines to generate a nominal total capacity of between 600 and 660 Megawatts (MW).

On 7 September 2010 the Project Approval was modified to allow for greater flexibility in the selection of gas turbines and an alternative station layout comprised of either 4 x 150 MW or 2 x 255 MW gas-fired turbines.

The current modification seeks to modify MP 06_0315 under Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act) to extend the lapse date of the approval by five years and commit to 2 x 255 MW gas fired turbine units in lieu of the four turbine option.

The modification was placed on public exhibition for a period of 15 days from 26 February 2014 to 13 March 2014. The Department received 4 submissions from public agencies and 11 public submissions from 9 submitters. Of the submissions, 7 supported the gas-fired power station on economic grounds.

The Department previously completed a draft Environmental Assessment Report which recommended that the modification be approved. In line with current policy, the Department made its draft report and recommendations publicly available on its website for a period of 7 days commencing on 25 July 2014.

Since the Department's draft Environmental Assessment Report was made public, an additional 46 submissions from 24 submitters have been received. With the exception of one submission, all the additional submissions raise objection to the project. In total, the Department has received 57 public submissions from 34 submitters. Three submissions have also been received from Wellington Council, the most recent submission withdrawing its previous support for the gas fired power station in the approved location.

Most of the submissions raise fundamental objections to the construction of a gas-fired power station in its approved location and do not specifically reference the modification. Issues raised include the appropriateness of the approved location and its proximity to Wellington Township, compensation and property acquisition requirements, as well as noise, air quality, visual and heritage impacts associated with the approved development. These issues are beyond the scope of the proposed modification.

A number of the submissions request the development of the gas-fired power station not be allowed to proceed. A petition with 1384 signatures was tabled with the Legislative Assembly in June 2015, requesting that the Minister rescind the Major Project approval. The gas-fired power station was approved in 2009 and neither the Department nor the Minister has the ability to revoke the approval or prevent the development from being undertaken.

The key issues raised relating to the modification include justification for the extension to the lapse date, compensation and property acquisition requirements, as well as noise and heritage impacts. The Department's consideration of these issues is provided in **Section 5** of this report.

Subsequent to the release of the draft Environmental Assessment Report, the Department considers that works on the development have physically commenced. In particular geotechnical investigation works were undertaken in December 2009. On this basis, the Department's assessment concludes there is no utility to extend the lapse date of the original project approval and that this component of the modification request should not be supported as it is no longer necessary.

With regard to the proposed commitment to the 2 x 255 MW gas fired turbines, the use of the 2 x 255 MW turbines was previously assessed by the Department as acceptable and approved through the previous modification. Therefore, the current modification seeks to confirm the commitment to use the 2 x 255 MW turbines only and to delete the option for the 4 x 150 MW turbines.

Based on the Department's assessment of the modification it is recommended that the Planning Assessment Commission (PAC) approves the confirmation of the nominated turbines. The Department considers that a consent authority would have no utility to approve the request to extend the lapse date, as works on the development have physically commenced. Accordingly, it is recommended that the PAC disapprove the request to extend the lapse date.

TABLE OF CONTENTS

1.	BACKGROUND	2
1.1	Site and Locality	2
1.2	Surrounding Land Use	2
1.3	Previous Approvals	2
2.	PROPOSED MODIFICATION	4
2.1	Proposed Modification	4
2.3	Power Station Configuration	4
2.2	Extension of Lapse Date	5
3.	STATUTORY CONTEXT	6
3.1	Modification of the Minister's Approval	6
3.2	Environmental Assessment Requirements	6
3.3	Delegated Authority	6
4.	CONSULTATION AND SUBMISSIONS	7
4.1	Exhibition	7
4.2	Public Authority Submissions	7
5.	ASSESSMENT	10
5.1	Modification of Lapse Date	10
5.2	Modification to Confirm Configuration of 2 x 255 MW Turbine Units	11
6.	CONCLUSION AND RECOMMENDATION	15
APPENDIX A	MODIFICATION REQUEST	16
APPENDIX B	DRAFT ENVIRONMENTAL ASSESSMENT REPORT	17
APPENDIX C	RESPONSE TO SUBMISSIONS	18
APPENDIX D	SUPPLEMENTARY INFORMATION FROM APPLICANT	19
APPENDIX E	SUBMISSIONS	20
APPENDIX F	MODIFICATION 1 ASSESSMENT	21
APPENDIX G	RECOMMENDED MODIFYING INSTRUMENTS	24

1. BACKGROUND

1.1 Site and Locality

The proposed power station is to be located north of Wellington, approximately 50 kilometres south of Dubbo on the Central West region of New South Wales. The site is approximately two kilometres north of Wellington township, along Gulgong Road. The site of the approved power station is indicated in **Figure 1**.

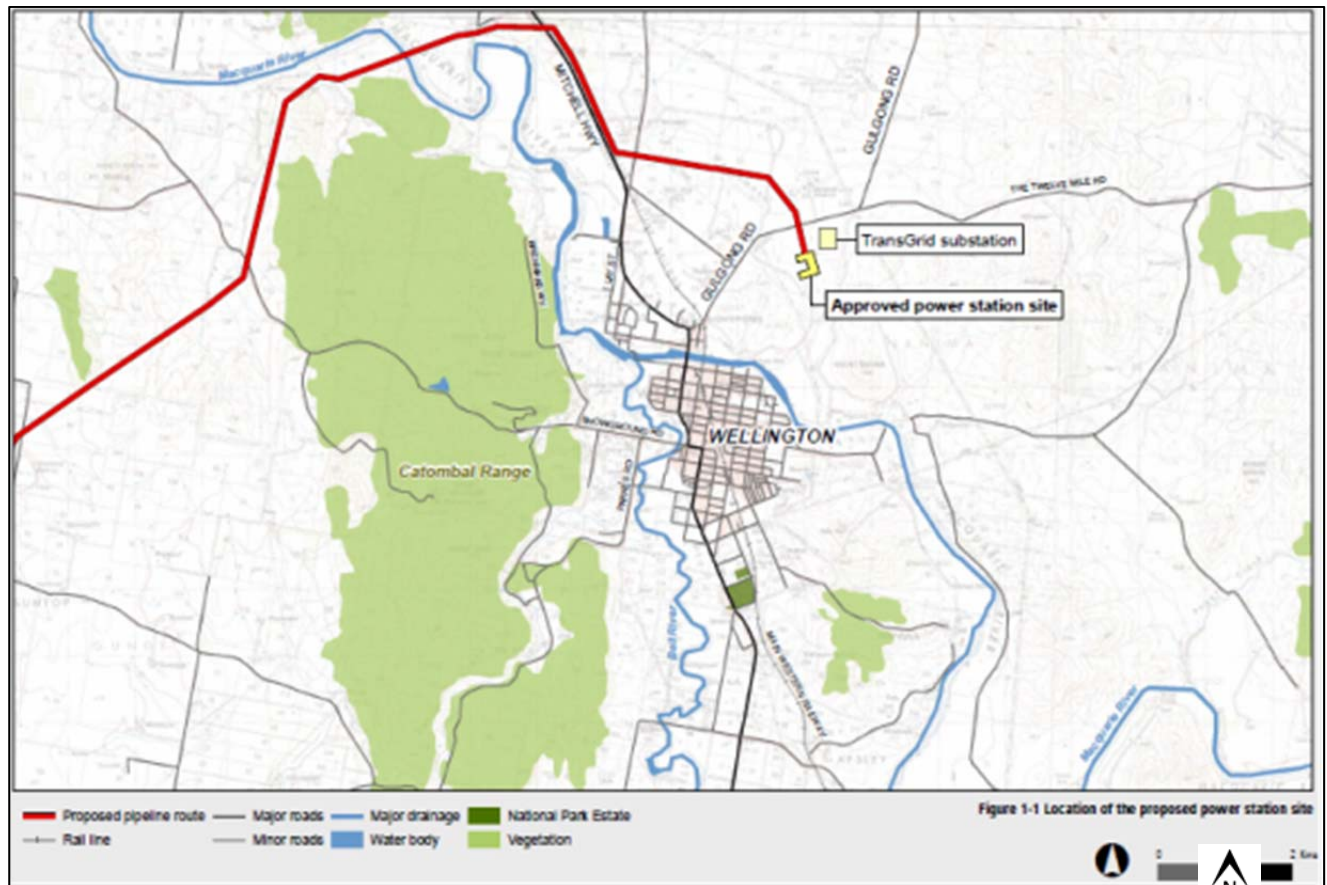


Figure 1: Project Location

1.2 Surrounding Land Use

The site consists of gently undulating grazing land and some scattered paddock trees. The site is adjacent to the existing TransGrid Wellington substation and is near three residences. The closest, Namina House, is approximately 700 metres to the west and is topographically elevated relative to the power station. The closest residential area is the Cadonia subdivision to the north east, in which the closest residence is 1.6 kilometres from the power station. Most parcels in this subdivision are located approximately 2.5 kilometres from the power station.

1.3 Previous Approvals

On 4 March 2009, the then Minister for Planning granted project approval for the construction and operation of a gas fired power station at Wellington. This approval included the following elements:

- construction and operation of four gas-fired turbines to generate a nominal total capacity of between 600 and 660 MW;
- construction and operation of a natural gas pipeline connecting the power station to the Central West Gas Pipeline near Parkes; and
- associated electricity transmission infrastructure.

The project was considered to be a critical infrastructure project under section 75C (now revoked) of the EP&A Act by virtue of an Order made by the Minister for Planning on 26 February 2008 and continued in force by Schedule 6A of the EP&A Act.

The Order declared that applications lodged before 1 January 2013 in the development category of electricity generation with capacity to generate at least 250 MWs to be critical infrastructure. The subject project relates to a power station with capacity to generate 600 megawatts and an application was made on 22 November 2006. The project therefore met the criteria to be considered a critical infrastructure project.

On 7 September 2010 the Project Approval was modified to allow for greater flexibility in the selection of gas turbines and provided for the establishment of an alternative station layout comprising of either 4 x 150 MW or 2 x 255 MW gas-fired turbines. The Director Infrastructure Projects granted approval of the modification. This approval included provisions for at-receiver operational noise mitigation at Nanima House.

The current modification request (known as MP 06_0315 Mod 2) seeks to extend the lapse date of the approval by five years, and commit to the 2 x 255 MW gas fired turbine units. The modification can be viewed at **Appendix A**.

The Department previously completed a draft Environmental Assessment Report for the modification which recommended that the modification be approved. In line with current policy, the Department made its draft report and recommendations publicly available on its website for a period of 7 days commencing on 25 July 2014.

This report provides an assessment of the modification and the issues raised in the submissions received during the assessment process. This report should be read in conjunction with the Department's draft Environmental Assessment Report for the modification application at **Appendix B**.

2. PROPOSED MODIFICATION

2.1 Proposed Modification

The modification application seeks approval for the:

- modification to condition 2.7 to commit to the configuration of 2 x 255 MW gas-fired turbines and abandon the previously approved four unit design; and
- modification to condition 1.4 to accommodate the proposed extension of the lapse date by five years.

2.3 Power Station Configuration

The application seeks to modify condition 2.7 to commit to the configuration of 2 x 255 MW gas-fired turbines and remove the option of the 4x 150 MW turbines. Condition 2.7 would therefore need to be modified as follows (text in bold is added text):

'The Proponent shall design, construct, operate and maintain the project to ensure that the noise contribution from the project to the background acoustic environment do (sic) 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 3ms-1 (measured at 10 metres above ground level), and under temperature inversion conditions of up to 3°C/100 metres).

~~The final constructed configuration of the Power Station (either 2 x 255 MW Turbines or 4 x 150 MW turbines) will determine which maximum allowable noise contribution s specified in the table below will be applied.~~

~~Table 1 – Maximum Allowable Noise Contribution – If 4 x 150 MW turbines are installed~~

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	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1}(1 \text{ minute})$
Mount Nanima	39	39	39	45
Cadonia Subdivision	35	35	35	45
Keston Rose Garden Café	37	37	37	45
Mount View, Alectown	35	35	35	45
Property A (refer to Figure 3-5 of the document listed under condition 1.1b)	35	35	35	45

~~Or, if Table 1 – Maximum Allowable Noise Contribution (2 x 255MW turbines) are installed~~

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	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1}(1 \text{ minute})$
Mount Nanima	35	35	35	45
Cadonia Subdivision	35	35	35	45
Keston Rose Garden Café	35	35	35	45
Mount View, Alectown	35	35	35	45
Nanima House	38	38	38	45
Property A (refer to Figure 3-5 of the document listed under condition 1.1b)	35	35	35	45

2.2 Extension of Lapse Date

The application seeks to modify condition 1.4 to accommodate the proposed extension of the lapse date by five years, from five to ten years. Condition 1.4 would therefore need to be modified as follows (text in bold is added text):

*'The project approval shall lapse ~~five~~ **ten** years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time'.*

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A of the EP&A Act, continues to apply to Section 75W modification applications for Part 3A projects.

Although Part 3A of the EP&A Act was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the Act. In accordance with clause 3 of Schedule 6A of the Act, Section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by schedule 6A, continues to apply to transitional Part 3A projects. The project is also a critical infrastructure project declared by Order under Section 75C of the EP&A Act and continued in force by Schedule 6A of the EP&A Act.

Section 75W of the Act provides that a Proponent may request the Minister to modify the approval of a transitional Part 3A project, including a current critical infrastructure project. The application has been lodged pursuant to Section 75W of the EP&A Act.

3.2 Environmental Assessment Requirements

In this instance, it was not necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W (3) of the EP&A Act as sufficient information was provided to assess the modification application.

3.3 Delegated Authority

On 14 September 2011, the then Minister for Planning delegated functions under Section 75W of the EP&A Act to modify Part 3A approvals to the PAC, including requests to modify approvals for a critical infrastructure projects.

The Development Assessment Protocol requires that transitional Part 3A applications (including modifications) be referred to PAC for determination in cases where:

- the local Council has made an objection to the modification; and/or
- a reportable political donation has been made; and/or
- there are more than 25 submissions by way of objection by members of the public.

A total of 57 public submissions have been received from 34 submitters. 49 submissions from 26 submitters are by way of objection. The Council has also now withdrawn its support to the modification application and to the approved power station generally. Consequently, the modification application is referred to the PAC for determination.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 75X (2)(f) of the EP&A Act, the modification request was publicly exhibited and made available on the Department's website for 15 days from 26 February 2014 to 13 March 2014. The exhibition included:

- a public notice in the local paper;
- notification of the owners of nearby receivers;
- notification of previous submitters;
- referrals to Wellington Council and other government agencies for comment; and
- making the application publicly available at the Department's information centre, the Nature Conservation Council of NSW and at Wellington Council.

The Department received 4 submissions from public agencies and 11 public submissions during the public exhibition of the modification. Copies of the submissions received during exhibition were made available to the Proponent for consideration.

In line with current policy, the Department made its draft Environmental Assessment Report available on its website for 7 days commencing on 25 July 2014. Subsequent to placing the draft Environmental Assessment Report on its website, the Department received a further 46 additional public submissions from 24 submitters to the proposed modification. All of the additional submissions, with the exception of one, raised objection to the project. A further submission from Wellington Council withdrew its previous conditional support for the Gas Fired Power Station in that location. A copy of the submissions can be viewed at **Appendix E**. A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Office of Environment & Heritage (OEH) advised they it had no specific comments on the modification request.

Environment Protection Authority (EPA) advised that for receivers predicted to receive noise levels above the derived Project Specific Noise Levels (PSNL), the Department is best positioned to weigh the social, economic and environmental benefits of the proposal against potential adverse noise impacts and to determine if noise limits above the PSNL are justified. If the Department determines that noise limits above the PSNL are justified, the EPA would include limits up to 5 dB above the PSNL in any Environment Protection Licence required for the activity. The EPA would not usually licence to noise levels more than 5 dB above the PSNL.

TransGrid advised that it had no comment.

Wellington Council originally advised that it supported the modification request, subject to specific considerations regarding noise impacts. Wellington Council requested that the mitigation requirements as set out in conditions 2.9 and 2.10 of the project approval be retained. Further that the Proponent should identify noise abatement strategies as required by condition 2.9 to reduce the noise impact on occupants of Nanima House, as the proposed noise levels are likely to occur outside the approved limits for that location.

Wellington Council has subsequently withdrawn its conditional support and now raises objections to the construction of the gas fired power station at its approved location. Council raises concerns with noise level predictions, terrain and prevailing weather conditions, proximity of the proposed plant to the Wellington township and economic impact.

4.3. Public Submissions

A total of 57 public submissions were received during the assessment of the modification. Of the 57 public submissions, 34 were from unique submitters. Of the unique submitters, 26 raised

objections to the approved gas-fired power station in general and 4 raised issues specific to the extended lapse date and commitment to the two turbine configuration as proposed by the modification. Eight submissions were received in support of the modification. The issues raised are summarised in **Tables 1 and 2**.

Table 1 Issues raised in objections relating to the Gas Fired Power Station in general

Issue	Proponent's response
<p><i>Land values , compensation / acquisition</i></p> <ul style="list-style-type: none"> the devaluation of real estate; private land will be impacted by the project; no agreement on compensation; and impacts on investment opportunities. 	<ul style="list-style-type: none"> there is no evidence in the socio economic assessment to suggest that a devaluation of property value will occur due to the project; and the Proponent has confirmed that the access arrangements to any land will not change, and the power station will be designed to minimise impact on adjoining land.
<p><i>Environmental impacts</i></p> <ul style="list-style-type: none"> the heritage study does not include enough information on heritage listed properties and Mount Nanima and Nanima House; it would be appropriate to undertake a more up to date environmental impact assessment for noise and visual impact issues given that significant time that has elapsed since the original approval; and the proposal is too close to the town of Wellington and may pose a hazard risk and increase emissions which are very likely to hang over Wellington for long periods. 	<ul style="list-style-type: none"> the original assessment noted that, with appropriate landscape management and screening, there would be no adverse impact on Nanima House. Statement of commitment HH3 commits to the preparation of a Statement of Heritage Impacts for the site; there has been no significant change to the receiver environment, nor a change to the noise guidelines that would change the outcomes of any new assessment; and noise impacts on residential receivers were assessed and deemed to be acceptable subject to applicable mitigation measures.
<p><i>Justification</i></p> <ul style="list-style-type: none"> if this was a project of state significance, it would have proceeded by now; demand for electricity has declined since 2005, and the supply of gas is limited; and the uncertainty of this project is unreasonable. 	<ul style="list-style-type: none"> the project was determined to be of state significance by virtue of its inclusion in the State Environmental Planning Policy (Major Development) 2005. The state significant designation is not related to the market demand of the project.
<p><i>Community consultation</i></p> <ul style="list-style-type: none"> condition 5.1 regarding community consultation has not been complied with. 	<ul style="list-style-type: none"> all conditions or commitments, under the terms of the existing development consent must be satisfied either prior to construction, prior to operation or post-operation.

Table 2 Issues raised in objections specific to the modification

Issue	Proponent's response
The modified power station would have detrimental effects on those living close to the station, in particular noise.	Noise and other impacts on residential receivers were assessed and deemed to be acceptable provided the recommended mitigation measures are applied.
The noise guidelines are not stringent enough to protect the community from the modified proposal.	The noise guidelines used as the basis for the assessment were the standard EPA guidelines in force at the time of the application, and continue

Issue	Proponent's response
	to be relevant. Whether or not the guidelines are stringent enough is a state-wide policy issue that is outside the scope of this assessment.
A more up to date environmental impact assessment is required for noise impact issues associated with the modification given the original proposal was advocating different technology, size and number of stacks.	There has been neither significant change to the receiver environment, nor a change to the noise (or other) guidelines that would change the outcomes of any new assessment, and it is therefore not considered necessary.
Require that Nanima House receive noise mitigation measures as part of the including sound proofing and an earthen wall.	Any acoustic barrier or installation of sound proofing to Nanima House, as foreshadowed by condition 2.9, would be developed in consultation with the owner in accordance with condition 2.9, to ensure that the noise mitigation measure is in place prior to the commencement of construction or operation, as required.
That the lapse date should not be extended as there is no longer as justifiable need for the station.	<i>The proponent was not asked to address this issue as it was not received during the exhibition period. This issue is addressed in detail under Section 5.1.</i>

As demonstrated in the **Table 1** above 26 of the 34 unique submitters raised fundamental objections to the construction of a gas-fired power station in its approved location, as well as the requirements set down in the conditions of approval. Issues raised include the appropriateness of the approved location and its proximity to Wellington township, compensation and property acquisition requirements, as well as noise, air quality, visual and heritage impacts associated with the approved development. These issues are beyond the scope of the proposed modification.

A number of the submissions requested that the development of the gas-fired power station not be allowed to proceed. A petition with 1384 signatures was tabled with the Legislative Assembly in June 2015, requesting the Minister for Planning rescind the Major Project approval. The gas-fired power station was approved in 2009 and neither the Department nor the Minister has the ability to revoke the approval or prevent the development from being undertaken.

Of the unique submitters, 4 of the 26 who raised fundamental objections to the construction of a gas-fired power station, also raised issues specific to the changes proposed by the modification. The key issues raised as detailed in **Table 2**, include justification for the modification of the lapse date, compensation and property acquisition requirements, as well as noise and heritage impacts.

The Department's consideration of the issues relating to the modification as outlined in **Table 2** is provided in **Section 5** of this report.

5. ASSESSMENT

In its assessment of the modification request, the Department has considered the following:

- the modification application and requested amendments to conditions, and the Response to Submissions Report provided to support the proposed modification (see **Appendix C**);
- supplementary information submitted by the Proponent on 4 December 2014 (see **Appendix D**);
- all submissions received by the Department; (see **Appendix E**); and
- the Director-General's assessment report for MP 06_0315.

5.1 Modification of Lapse Date

Subsequent to the publishing of the draft Environmental Assessment Report on the Department's website, the Proponent provided additional information on its request to extend the lapse date of the Project Approval. In correspondence dated 4 December 2014, the Proponent advised the Department that:

"We confirm that the works the subject of the Project Approval, being geotechnical investigations, were physically commenced onsite on 8 December 2009 (Geotechnical Investigations).

In particular:

- *the Geotechnical Investigations were carried out by John Holland on 8 December 2009;*
- *the Geotechnical Investigations included the digging of approximately 11 test pits, some as deep as 4m;*
- *the carrying out of Geotechnical Investigations is a necessary pre-construction step, which is required before detailed designs and costings for the power station can be prepared;*
- *the Wellington Power Station Environmental Assessment Report expressly contemplated, at sections 7, 7.5.2, 9.5, 9.5.3 and 10.5.4, that geotechnical investigations will be carried out as part of the project; and*
- *the Geotechnical Investigations were carried out in compliance with all laws."*

Condition 1.4 of the Project Approval provides that the approval will lapse five years after the date on which it is granted unless works are physically commenced. As such, the Project Approval was due to lapse on 4 March 2014.

The concept of physical commencement has been interpreted by the Court of Appeal in *Hunter Development Brokerage Pty Ltd v Cessnock City Council*; *Tovedale Pty Ltd v Shoalhaven City Council* [2005] NSWCA 169. In this regard, it is the Department's view that the use of the phrase "physically commenced" is not confined to physical commencement of building, engineering or constructing works but includes any works the subject of the Project Approval.

The digging of approximately 11 test pits (some as deep as 4 metres) for the purpose of conducting geotechnical investigations involves physical works and, therefore the Department considers that the Proponent has effected physical commencement to prevent the lapsing of the approval as set out in condition 1.4 by undertaking the works.

Regardless, the Proponent has advised that it wishes to continue to progress modification application MP 06_0315 MOD 2 to formally extend the lapsing date to 4 March 2019.

The Department considers that the Proponent has effected physical commencement. Accordingly, the Department concludes that a determining authority would have no utility to extend the lapse date and considers that this component of the modification request should not be disapproved.

5.2 Modification to Confirm Configuration of 2 x 255 MW Turbine Units

Modification 2 seeks to confirm one of the two configuration scenarios already approved under Modification 1. The Department considers that as the use of the 2 x 255 MW turbines has already been assessed under Modification 1, this previous assessment is relevant to the current modification assessment.

The previous assessment undertaken by the Department in relation to Modification 1 considered the potential impacts of both of the turbine configurations; the 4 x 150 MW and the 2 x 255 MW gas-fired turbines options. The Modification 1 assessment included a review of acoustic, flora and fauna, visual and air quality issues in relation to both the configuration scenarios. The Department considered that both the 4 x 150 MW and the 2 x 255 MW gas-fired turbines configuration scenarios would be reasonable and would not pose adverse environmental impact regarding acoustics, flora and fauna, visual and air quality impacts. A summary of the Department's previous assessment for Modification 1 is included at **Appendix F**.

Noise

The noise assessment for Modification 1 had regard to acoustic levels required by the Project Approval (in particular condition 2.7) in relation to the NSW Industrial Noise Policy. **Table 3** provides a comparison of the predicted operational noise impacts of the original 4 x 150 MW turbine configuration in relation to the 2 x 255 MW turbine configuration approved under Modification 1. A low frequency noise penalty adjustment to the fans was applied to the predicted operational noise levels as per the NSW Industrial Noise Policy for both the turbine scenarios.

Table 3 Comparison of 4 x 150 MW and 2 x 255 MW gas-fired turbine operations at nearest noise sensitive receivers

Location	Received noise level (dB(A), $L_{Aeq,15min}$)				
		Neutral conditions		Adverse conditions	
	Project Approval maximum allowable noise contribution	Original 4 x 150 MW configuration	Mod 1 (approved) 2 x 255 MW configuration	Original 4 x 150 MW configuration	Mod 1 (approved) 2 x 255 MW configuration
Mount Nanima	39	36	29.5	38.5	32
Cadonia Subdivision	35	26.5	26	29.5	29
Keston Rose Garden Café	37	34.5	28	37	31
Nanima House	(not provided)	43	36	44.5	37.5

The noise assessment comparison predicted that the operational noise levels for the 2 x 255 MW turbine option would result in a reduced noise level compared to the 4 x 150 MW turbine options. With the exception of Nanima House, which did not have an allowable noise contribution as part of the Project Approval, operational noise impacts in respect of both the 4 x 150 MW and the 2 x 255 MW turbine configurations, under both neutral and adverse meteorological conditions would be compliant with Project Approval maximum allowable noise objectives. Note that condition 2.7 was amended as part of Modification 1 to include an allowable noise contribution of 38dB(A) for Nanima House, for the 2 x 255 MW turbine option.

Submissions received in support of the modification noted the benefit of the reduction in noise impact which would result from the use of the 2 x 255 MW gas-fired turbines. However the majority of submissions, including Council's, raise concern over the predicted noise impact from the gas-fired power station and the proximity of the development to nearby properties and the Wellington Township. It has also been suggested that the development does not comply with the Industrial Noise Policy as the noise criteria for residences in Wellington is as low as 25dB(A) and there are outstanding low frequency noise issues.

Section 3.2.1 of the NSW Industrial Noise Policy states that “where the rating background level is found to be less than 30dB(A), then it is set to 30dB(A).” As the Industrial Noise Policy sets intrusive noise levels at 5dB(A) above the background level, this means that the lowest criteria that can be set is 35dB(A), (ie 30dB(A) + 5d(BA)). However, if the background noise level is higher than 30dB(A), then the criteria will subsequently be higher than the minimum.

Submissions raise concern that noise modelling has not included adequate consideration of local terrain or prevailing weather conditions. While the Department notes concerns raised in public submissions in relation to modelling methodology and assumptions, particularly in relation to the local terrain and prevailing weather conditions of the area, it is satisfied that the Proponent's assessment approach is robust and justified. The Department considers that the assumptions upon which the noise modelling are based are representative of the site and provide a reasonable articulation of likely impacts. The Department is satisfied that the Proponent has undertaken an appropriate assessment of the noise impacts of the proposed project, using appropriate methodology consistent with current modelling and assessment guidelines.

For Modification 2, the Department required the Proponent re-model the operational dB(A) noise predictions for the 2 x 255MW gas-fired turbines under adverse meteorological conditions without any low frequency noise penalty. The predicted noise levels presented in **Table 4** for a number of properties, including Nanima House are 35dB(A) or less, even under adverse meteorological conditions which enhance the propagation of noise towards the receivers. The results show that the maximum allowable dB(A) noise contribution is within established noise limits under the NSW Industrial Noise Policy at all receptor locations.

Because low frequency noise had not been previously modelled for Wellington Gas Power Station, the Department also required the Proponent model low frequency noise levels for Modification 2 and that the predictions be reported as dB(C) levels. Low frequency noise contains major components within the low frequency range of the frequency spectrum (20 Hertz to 250 Hertz), and evidence exists that it can cause greater annoyance than other noise at the same noise level. To compensate for the annoying characteristics of a noise source, the NSW Industrial Noise Policy recommends that a low frequency noise penalty adjustment be added to the outdoor A-weighted predicted level, when the ‘C’ weighted level minus the ‘A’ weighted sound pressure level difference is 15dB or greater.

The result of the ‘C’ and ‘A’ weighted noise level comparison is presented in **Table 4**.

Table 4 Predicted ‘A’ and ‘C’ weighted noise levels for 2 x 255 MW gas-fired turbines

Location	Modification 1 maximum allowable noise contribution	Received noise level (dB(A), $L_{Aeq,15min}$) Adverse Conditions	Received noise level (dB(C), $L_{Ceq,15min}$) Adverse Conditions	Difference (dB)
Mount Nanima	35	30	46	16
Cadonia Subdivision	35	26.5	42	15.5
Keston Rose Garden Café	35	28	44	16
Nanima House	38	34.5	50.5	16

The results shown in **Table 4** predict a difference of greater than 15dB between the ‘A’ and ‘C’ weighted noise levels at every sensitive receiver under adverse conditions. Following the approach described in the Industrial Noise Policy, a low frequency noise penalty adjustment is applied to the predicted ‘A’ weighted noise levels at each of the nearest residential receivers where a difference between the ‘A’ and ‘C’ weighted noise levels 15dB or greater is anticipated. For comparison purposes, the predicted ‘A’ weighted noise impacts are shown in **Table 4** without any low frequency noise penalty adjustment or correction.

Recent international research has shown that the use of the approach provided for in the Industrial Noise Policy, which relies on the difference between ‘A’ and ‘C’ weighted noise levels, is not the best approach when noise levels are low. This is because the low frequencies may then

be below the threshold of hearing levels. Current research suggests that the dB(C) - dB(A) difference should not be used as an annoyance predictor, but as a simple indicator of whether further investigation of 'C' weighted noise levels may be necessary.

Alternative assessment approaches to low frequency noise assessment have now been developed. A more contemporary approach has been developed for the Department by Dr N. Broner (*A Simple Criterion for Low Frequency Noise*, 2010) to better identify and assess low frequency noise impacts from gas fired power stations. The Department considers the approach recommended by Dr N. Broner represents best practice for the assessment of low frequency noise. The approach is underpinned by a study which recommended levels of 65dB(C) for daytime and 60dB(C) for night time in quiet settings where existing background levels are lower than 40dB(A). This approach was subsequently used by the Department and the PAC in 2012 as the basis for setting low frequency noise goals for Dalton Power Station (MP10_0035).

Predictions made for the Wellington Gas Power Station indicate a maximum level of 51dB(C) at the nearest receivers, which is below the recommended levels of 65dB(C) for daytime and 60 dB(C) for night time. Based on this level, no adverse low frequency noise impacts are expected. Using both the Industrial Noise Policy assessment and the method developed for the Department, noise impacts are not expected to be at a level to cause annoyance to residential receptors. Notwithstanding, the Department has recommended an additional condition of approval to include low frequency noise limits and noise modifying factors, to ensure that low frequency noise is managed to intended limits.

Based on the Industrial Noise Policy assessment approach used by the Department in the assessment of Modification 1, a low frequency noise penalty adjustment to the 'A' weighted noise levels was required under Condition 2.7. Having regard to the outcome of the assessment undertaken using the alternate method developed by Dr Broner, the Department considers that the application of a low frequency noise penalty adjustment is no longer appropriate as no adverse low frequency noise impacts are expected. The Department has recommended that Condition 2.7 be modified to reflect this.

When a low frequency noise penalty adjustment is not applied to the modelling, the resultant modelling for Modification 2 predicts 'A' weighted levels at Nanima House of 34.5dB(A) and not 37.5dB(A) as predicted by the low frequency noise penalty adjustment approach used in relation to Modification 1. Based on this prediction, the Department has recommended that the maximum allowable noise limits for all sensitive receivers be reduced from 38dB(A) to 35dB(A). The Department has recommended that Condition 2.7 be modified to reflect this.

The Department therefore considers that the existing and modified conditions 2.5 to 2.10 are adequate to ensure that noise amenity is managed at each property. These conditions include specific operational noise requirements and at-receiver noise mitigation, as well as land acquisition criteria for properties still experiencing excessive noise after the implementation of reasonable and feasible source controls.

Property Acquisition and Economic Impact

Concern has been raised that the approval of the gas-fired power station has restricted the ability of a nearby land owner to sell Nanima House. Concern has also been raised that should a situation arise whereby actual noise levels from the power station exceed those predicted, that this would have a direct or perceived impact on the Wellington Township, including a resultant significant detrimental economic impact.

The approval includes a suite of conditions to manage and mitigate potential noise impacts associated with the development. The conditions include a requirement for the installation of architectural acoustic treatments to be installed at Nanima House at the request of the property owner. The conditions also require the acquisition of Nanima House should the stipulated noise criteria be exceeded after the installation of the acoustic treatments. These conditions will remain

on the modified approval and would be activated in the unlikely event that noise exceedances occur once the gas-fired power station is constructed and becomes operational.

However, given the modified proposal no longer includes the use of the louder turbines and the modelling indicates that the quieter 2 x 255 MW turbines will meet the applicable noise criteria set out in the NSW Industrial Noise Policy, the Department is satisfied that the proposal will not result in any unreasonable noise impacts on Namina House or other surrounding properties. As the proposal is expected to meet the applicable noise criteria measured at sensitive receivers, the Department's assessment concludes that the modified proposal is unlikely to influence property prices. Likewise as the proposal is expected to meet the applicable noise criteria measured at sensitive receivers, the Department's assessment concludes that the modified proposal is unlikely to have a significant detrimental economic impact on Wellington township.

6. CONCLUSION AND RECOMMENDATION

Given the modified proposal no longer includes the use of the louder turbines and the modelling indicates that the quieter turbines will meet the applicable A – weighted noise criteria set out in the Industrial Noise Policy, the Department is satisfied that the proposal to commit to use of the 2 x 255 MW turbines will not result in any unreasonable noise impacts on Namina House or other surrounding properties.

Low frequency noise has not been previously considered in relation to Wellington power station. The Department notes that the predicted low frequency noise impact from the approved 2 x 255 MW gas turbines is lower than that predicted in relation to Dalton power station, a similar proposal. As well as being quieter overall, the turbine configuration will not generate high levels of low frequency noise. The dB(C) level for Nanima house is predicted to be 51dB(C), which is 9dB lower or about 1/8th the recommended levels of 65dB(C) for daytime and 60dB(C) for night time as suggested by Dr N. Broner. Based on this level no adverse low frequency noise impacts are expected. Notwithstanding, the Department has recommended an additional condition of approval to include low frequency noise limits and noise modifying factors, to ensure that low frequency noise is managed to intended limits.

As the proposal is expected to meet the applicable noise criteria, measured at sensitive receivers, the Department's assessment concludes that the modified proposal is unlikely to influence property prices or have a significant detrimental economic impact on Wellington township.


The Department considers that as the use of the 2 x 255 MW turbines has already been assessed and approved, and is shown to be quieter than the 4 x 150 MW turbine option, it is appropriate to modify the Project Approval to solely commit to the 2 x 255 MW turbine option.

With respect to request the extension of the lapse date, the Department considers that the Project Approval has not lapsed, as the Proponent effected physical commencement by undertaking geotechnical investigation works in December 2009. On this basis, the Department concludes that a consent authority has no utility to extend the lapse date and considers that this component of the modification request should be disapproved.


Based on the above assessment, it is recommended that the PAC as delegate for the Minister for Planning:

- (a) **consider** the findings and recommendations of this report;
- (b) **determine** that the proposed modification falls within the scope of section 75W of the EP&A Act;
- (b) **approve** the modification request to commit to the 2 x 255 MW turbine unit configuration and delete the 4 x 150 MW turbine unit configuration under Section 75W of the *Environmental Planning and Assessment Act 1979*;
- (c) **disapprove** the modification request to extend the lapse date of the Project Approval under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (d) **sign** the attached Instrument of Modification for MP 06_0315.

Endorsed by:


Karen Jones 13.8.15
Director
Infrastructure Projects

Endorsed by:

 13/8/15
Daniel Keary
A/Executive Director
Infrastructure and Industry Assessments

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6388

APPENDIX B DRAFT ENVIRONMENTAL ASSESSMENT REPORT

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6388

APPENDIX C RESPONSE TO SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6388

APPENDIX D SUPPLEMENTARY INFORMATION FROM APPLICANT

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6388

APPENDIX E SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6388

APPENDIX F MODIFICATION 1 ASSESSMENT

Acoustic

- The Proponent provided a revised Noise Impact Assessment report for the proposed alternative configuration of 2 x 255 MW turbines, based on the acoustic levels approved in the Project Approval and the NSW Industrial Noise Policy. The Report found that the alternative configuration would reduce noise levels at each of the key receivers from that of the approved levels.
- The Proponent provided additional detail stating that the noise assessment was undertaken in accordance with DECCW's "Industrial Noise Policy", based on an assessment of the worst case noise levels in any 15 minute period, with an aim of not exceeding the background noise levels by more than 5dB(A) at the nearest receptors.
- The Proponent also noted that whilst the predicted noise impacts associated with the proposed modification exceed the noise goals at Nanima House by 2.5 to 4.5 dB(A) (neutral – adverse), this level is an improvement compared to the predicted noise impacts under the approved development which exceed the noise goals by 8 to 9.5 dB(A).
- DECCW recommended that the noise limit conditions for the proposed alternative configuration should reflect the overall lower predicted noise levels at each receiver location, and that the alternative limits should be included as a condition to reflect whichever configuration is adopted. DECCW also recommended that Nanima House, with a predicted level of 38 dB(A), be included as a receiver location for the alternative 2 turbine approach.
- DECCW noted that intrusive limits below 35 dB(A) ($L_{Aeq, 15 \text{ minute}}$) are not usually specified and recommended that the alternative threshold limits be adopted.
- The predicted noise contribution at Nanima House (38 dB(A)) is below the assigned "Acquisition Rights" threshold (40 dB(A) at any time and 45dB(A) of an evening) as specified in condition 2.10 of the approval whereby, an exceedance would trigger acquisition rights. It would therefore be appropriate that Nanima House be assigned the same Architectural Treatment rights granted to the Mount Nanima and Keston Rose Garden Cafe properties as specified in condition 2.9.
- It is important to note that whilst the operational times of the power station will increase, the overall noise threshold levels are lower and the mitigation measures will be undertaken to protect affected properties.
- The Department therefore proposed that conditions 2.7 and 2.9 be modified as follows (**with modifications shown in bold text**):

Operation Noise

2.7 *The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in 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), and under temperature inversion conditions of up to $3^\circ\text{C}/100 \text{ metres}$.*

The final constructed configuration of the Power Station (either 2 x 255 MW Turbines or 4 x 155MW turbines) will determine which maximum allowable noise contribution as specified in the table below will be applied.

Table 1 - Maximum Allowable Noise Contribution

If 4 x 155MW turbines are installed

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	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1} (1 \text{ minute})$
Mount Nanima	39	39	39	45
Cadonia Subdivision	35	35	35	45
Keston Rose Garden Café	37	37	37	45
Mount View, Alectown	35	35	35	45
Property A (refer to Figure 3-5 of the document listed under condition 1.1b)	35	35	35	45

Or, if 2 x 255 MW Turbines are installed

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	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1} (1 \text{ minute})$
Mount Nanima	35	35	35	45
Cadonia Subdivision	35	35	35	45
Keston Rose Garden Café	35	35	35	45
Mount View, Alectown	35	35	35	45
Nanima House	38	38	38	45
Property A (refer to Figure 3-5 of the document listed under condition 1.1b)	35	35	35	45

At-Receiver Noise Mitigation

2.9 The Proponent shall, at the request of the owner of Nanima House, the Mount Nanima property or the Keston Rose Garden Café property, provide and bear the full cost of architectural acoustic treatments (such as, but not necessarily limited to, double-glazing) to the residential premises on that property. Such a request may be made in writing by the owner of Nanima House, the Mount Nanima property or the Keston Rose Garden Café property within five years from the commencement of operation, and architectural acoustic treatments agreed between the parties must be implemented and completed with 12 months of such an agreement. Should the parties not be able to reach agreement on the scope of architectural acoustic treatments, then either party may refer the matter to the Director-General for resolution. The Director-General's decision on such a referral shall be final and binding on the parties.

Flora and Fauna

- The Proponent advised that the modified configuration is expected to result in the clearing of up to an additional 9 trees, with the exact extent of the clearing to be finalised when the exact footprint of the site is confirmed. This final calculation would be included in the offset strategy (required under condition 2.28 of Project Approval) to be submitted to DECCW for approval prior to commencement of construction.

Visual impacts

- Concerns regarding the visual impact of the proposed modification were raised during exhibition.
- In response, the Proponent advised that the modification proposes an alternative smaller power station comprising of 2 x 255MW units, the bulk and scale of these units is similar to the approved 150MW units, and the approved maximum stack height is retained. Overall, the proposed modification will either reduce or result in negligible changes to the visual impact of the approved project.

Air Quality

- An emissions assessment, which analysed the potential changes in air quality as a result of the proposed modification, was submitted with the application. The assessment concluded that emissions for both normal and start-up scenarios for the proposed alternative 4000F gas turbines will not adversely affect any sensitive receptors. The report also found that with the exception of SO₂, all modelled parameters were either lower or of similar magnitude to the predicted concentrations in the approved EA.
- The Proponent has advised that the air quality impacts have been assessed in accordance with DECCW's Guidelines which require an assessment of emissions over 1 hour, 24 hours and annual periods. The studies were based on units operating continuously over the subject period and predicted that the emissions from the 2 x 255MW units would generally be less than for the approved development. It was also noted, that although the SO₂ levels for the 2 x 255MW units (2.38 ug/m³ per 1 hour period) are higher than the approved EA configuration (2.10 ug/m³), the level remains well below the emission limits (570 ug/m³) set by DECCW.

APPENDIX G RECOMMENDED MODIFYING INSTRUMENTS

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed 14 September 2011, we the Planning Assessment Commission approve part (a) of the modification of the Project Approval referred to in Schedule 1 subject to the Terms of Approval in Schedule 2, and disapprove part (b) of the modification of the Project Approval referred to in Schedule 1 for the reasons listed in Schedule 3.

Member of the Commission

Member of the Commission

Sydney

2015

SCHEDULE 1

Project Approval: MP 06_0315 granted by the then Minister for Planning on 4 March 2009.

Modification Approval: MP 06_0315 MOD 1 granted by the Director, Infrastructure Projects on 7 September 2010.

For the following: Construction and operation of a gas-fired peaking power station at Wellington, including:

- construction and operation of two or four gas-fired turbines to generate a nominal total capacity of between 600 and 660 MW;
- construction and operation of a natural gas pipeline connecting the power station to the Central West Gas Pipeline near Parkes; and
- associated electricity transmission infrastructure.

Modification: MP 06_0315 MOD 2:
Modification of the approval to:
a) commit to 2 x 255 MW gas fired turbine units; and
b) extend the lapse date of the approval by five years.

The Project Approval for MP 06_0315 is modified in relation to part (a) of the modification application as follows:

SCHEDULE 2

CONDITIONS

1. Delete the definitions table and replace it with the following:

Commissioning	Hot commissioning of the first unit of the project.
Conditions of Approval	The Minister's conditions of approval for the project.
DECC	Now EPA or OEH depending on the context
Department, the	Department of Planning and Environment.
Director-General, the	See Secretary
Dust	Any solid material that may become suspended in air or deposited.
EA	<i>Wellington Gas-fired Peaking Power Station: Environmental Assessment</i> prepared by Parsons Brinckerhoff Australia Pty Limited and dated May 2008.
EP&A Act	<i>Environmental Planning and Assessment Act, 1979.</i>
EPA	Environment Protection Authority.
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997.</i>
Minister, the	Minister for Planning
OEH	Office of Environment and Heritage
Operation	Commercial operation of the first unit of the project.
Proponent	ERM Power
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Secretary	Secretary of the Department of Planning and Environment (or delegate) (previously Director-General*).
Secretary's Approval	A written approval from the Secretary (or delegate). Where the Secretary's Approval is required under a condition, the Secretary will endeavour to provide a response within one month of receiving an approval request. The Secretary 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.
Secretary's Report	The report provided to the Minister by the Secretary of the Department under Section 75I of the EP&A Act.
Site	Land to which Major Projects Application 06_0315 applies.
Submissions Report	<i>Wellington Gas-fired Peaking Power Station: Environmental Assessment – Submissions Report</i> prepared by Parsons Brinckerhoff Australia Pty Limited and dated September 2008.

* Wherever Director-General is referenced within the Project Approval, this should be taken to mean Secretary.

ADMINISTRATIVE CONDITIONS

Terms of Approval

2. Delete condition 1.1 and replace it with the following:
 - 1.1 The Proponent shall carry out the project generally in accordance with the:
 - (a) Major Project Application 06_0315;
 - (b) Wellington Gas-fired Peaking Power Station: Environmental Assessment, prepared by Parsons Brinckerhoff Australia Pty Limited and dated May 2008;
 - (c) Wellington Gas-fired Peaking Power Station: Environmental Assessment – Submissions Report prepared by Parsons Brinckerhoff Australia Pty Limited and dated September 2008;
 - (d) Modification to Project Approval No. 06_0315: Wellington Gas-fired Peak Power Station prepared by ERM Power dated March 2010, including the following supporting documents, Wellington Power Station – Noise assessment of Siemens 4000F units prepared by Parsons Brinckerhoff Australia Pty Limited and dated March 2010, and the Wellington Power Project Proposed Modification Submissions Report dated 1 June 2010;

- (e) Modification to Project Approval No. 06_0315: Wellington Gas-fired Peak Power Station prepared by ERM Power dated January 2014, including the following supporting documents, Wellington Power Project – C-weighting noise analysis of Siemens 4000F units prepared by Parsons Brinckerhoff Australia Pty Limited and dated December 2013, and the Wellington Power Station: Modification to Consent Ref 06_0315 - Submissions Report dated May 2014; and
 - (f) the conditions of this approval.
3. Delete condition 1.2 and replace it with the following:
- 1.2 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition 1.1a) and 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition 1.1a) to 1.1e) inclusive, and any other document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

SPECIFIC ENVIRONMENTAL CONDITIONS

Noise Impacts

4. Delete condition 2.7 and replace it with the following:
- 2.7 The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Tables 1 and 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under wind speeds up to 3ms^{-1} (measured at 10 metres above ground level), and under temperature inversion conditions of up to $3^{\circ}\text{C}/100$ metres).

Table 1 – Maximum Allowable Noise Contribution dB(A)

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	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1} (1 \text{ minute})$
Mount Nanima	35	35	35	45
Cadonia Subdivision	35	35	35	45
Keston Rose Garden Café	35	35	35	45
Mount View, Alectown	35	35	35	45
Nanima House	35	35	35	45
Property A (refer to Figure 3-5 of the document listed under condition 1.1b)	35	35	35	45

Table 2 – Maximum Noise Limits dB(C)

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
	$L_{Ceq}(15 \text{ minute})$	$L_{Ceq}(15 \text{ minute})$	$L_{Ceq}(15 \text{ minute})$
All surrounding existing sensitive receivers (as identified in Table 1)	65dB(C)	60dB(C)	60dB(C)

END OF SCHEDULE 2

Part (b) of the modification application is disapproved for the reasons listed in Schedule 3.

SCHEDULE 3

REASONS FOR REFUSAL

1. With respect to the request for the extension of the lapse date, the Department considers that the Project Approval has not lapsed, as the Proponent effected physical commencement by undertaking geotechnical investigation works in December 2009.
2. Accordingly there is no utility in extending the lapse date.

Notes: The reasons for refusal are further explained within the Annexed Report.

End of Schedule 3