

## Richard Hammond

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**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Wednesday, 24 September 2014 2:10 PM  
**To:** mcudop  
**Subject:** DEP SEC/ROUTINE : IM14/28093 : Email from Mr Nat Barton 17/09/2014 - Wellington gas fired power station - MP06\_0315 MOD 2  
**Attachments:** Email\_Fw wellington gas fired power station - MP06\_0315 MOD 2.html; IMG.pdf; Corro Action Sheet - DDG.doc

Hi,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

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Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily those of the office of the Minister.

**E-mail Message**


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**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC]  
**Cc:** Andrew Gee [SMTP:orange@parliament.nsw.gov.au], Sarah Laurie [SMTP:sarah@waubrafoundation.org.au]  
**Sent:** 17/9/2014 at 10:10 AM  
**Received:** 17/9/2014 at 10:10 AM  
**Subject:** Fw: wellington gas fired power station - MP06\_0315 MOD 2

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**Attachments:** IMG.pdf  
Corro Action Sheet - DDG.doc

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Dear Minister Goward,

Please see attached for your information.

Yours sincerely,

Nat Barton

----- Original Message -----

From: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
To: HYPERLINK "mailto:felicity.greenway@planning.nsw.gov.au"Felicity Greenway  
Sent: Wednesday, September 17, 2014 9:36 AM  
Subject: Fw: wellington gas fired power station - MP06\_0315 MOD 2

Dear M/s Greenway,

FYI.

Nat Barton

----- Original Message -----

From: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
To: HYPERLINK "mailto:karen.jones@planning.nsw.gov.au"karen jones  
Sent: Wednesday, September 17, 2014 9:13 AM  
Subject: wellington gas fired power station - MP06\_0315 MOD 2

Dear M/s Jones,

RE: WELLINGTON GAS FIRED POWER STATION - MP06\_0315 MOD 2

I refer to my Submissions dated 12 March 2014 and in particular the paragraph that reads ;-

" I cannot emphasise strongly enough the inability to sell, mortgage, develop, maintain, or upgrade "Nanima" since 2005 due to the blight incurred by the proposal to construct the power station, and failure of ERM to enter into any meaningful negotiations to either buy Nanima or mitigate the impact of the blight."

Apropos, the Option Deed that is attachment (iii) of that submission. Please find attached ;-

(i) Option Deed dated 9 February 2004 between NKD Barton & Macquarie Developments to purchase the Nanima Subdivision Land for \$750,000.00 ;

(ii) Caveat AA439288X securing the Option Deed ; and



(iii) Invoice No.33585 dated 3 August 2009 - Malcolm Johns & Company to NB - Lapsing Option Deed.

You will note that the Option Deed was lapsed after the Approval of the Gas Fired Power Station Project - MP06\_0315 on 4 March 2009.

Subdivision developments on Keston and Peppercorn Farm have also been delayed until after the affect of the Power Station Project is known. As you are aware neither of these two properties are blighted as severely as Nanima as they are further away from the site.

The adverse noise data has been published and Nanima is not compliant with NSW Industrial Noise Policy. The proponents of MP06\_0315 submit that the other properties are compliant. As previously stated to you the EPA does not support the Project Approval or for that matter the proposed Modifications.

Yours sincerely,

N Barton  
"Nanima",  
7009 Goolma Rd.,  
WELLINGTON NSW 2820  
Ph: 02 68 451793  
Email: HYPERLINK "mailto:nba43079@bigpond.net.au"nba43079@bigpond.net.au

## Rose Rocca

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**From:** Jenny Jones <Jenny.Jones@minister.nsw.gov.au>  
**Sent:** Friday, 19 September 2014 2:42 PM  
**To:** mcudop  
**Subject:** IM14/27553 (Minister - routine) Wellington Gas Fired Power Stn  
**Attachments:** WELLINGTON GAS FIRED POWER STN - MP06\_0315 MOD 2; Corro Action Sheet - Minister.doc

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**From:** Catherine Chalk  
**Sent:** Wednesday, 17 September 2014 9:23 AM  
**To:** Public Goward's Office Email  
**Subject:** TRIM: Referral from Minister Dominello's Office

Dear Colleague,

A referral was sent to you from Minister Dominello's Office on 5 Sept regarding correspondence from Nat Barton. Please find attached further correspondence sent to Minister Dominello from Nat Barton.

As this matter falls within portfolio responsibilities of the Minister for Planning, it is being referred to you for any necessary action.

If a reply is issued, please provide a copy to Minister Dominello's Office C/- [Office@dominello.minister.nsw.gov.au](mailto:Office@dominello.minister.nsw.gov.au) including the attached email.

For all enquiries, please contact me.

regards

**Catherine Chalk**

Departmental Liaison Officer  
Office of the Hon. Victor Dominello MP  
Minister for Citizenship and Communities, Minister for Aboriginal Affairs,  
and Minister for Veterans Affairs, Assistant Minister for Education



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**Email:** [Catherine.Chalk@minister.nsw.gov.au](mailto:Catherine.Chalk@minister.nsw.gov.au)  
**Tel:** 02 9228 3462 (GMT) / 02 9230 2263 (PH)  
**Fax:** 02 9228 4392 (GMT) / 02 9230 3390 (PH)

The Parliament number is only used during sitting weeks

**[Dharawal]** Njunaliin ngaralanga dharawalwulawala nguradhanhay ngaliya  
*We respect Aboriginal peoples as the first peoples and custodians of NSW*



## Rose Rocca

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**From:** Nat Barton <nba43079@bigpond.net.au>  
**Sent:** Tuesday, 9 September 2014 11:07 AM  
**To:** Public Dominello's Office\_Email  
**Cc:** Dr Norm Broner; Professor Wayne Smith; Public Hazzard's Office Email  
**Subject:** WELLINGTON GAS FIRED POWER STN - MP06\_0315 MOD 2  
**Attachments:** IMG.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Minister Dominello,

### RE: WELLINGTON GAS FIRED POWER STATION - MOD 2

Thankyou for email dated 5 September 2014 acknowledging receipt of my correspondence dated 14 August 2014.

Further to my email to you please find attached a letter written by Mr Martin Sannikka to M/s Karen Jones, Director of Infrastructure Projects, NSW Department of Planning. Mr Sannikka is a retired Noise Auditor who now lives in Wellington. His letter demonstrates that Wellington Correctional Facility and all of the town of Wellington are in the impact zone of the proposed Wellington Gas Fired Power Station.

Any assistance in expunging this proposal would be gratefully received.

Yours sincerely,

N Barton  
"Nanima",  
7009 Goolma Rd.,  
WELLINGTON NSW 2820  
Ph: 02 68 451793  
Email:nba43079@bigpond.net.au

**COPY**

2 September 2014

M/s Karen Jones  
Director, Infrastructure Projects,  
NSW Department of Planning  
SYDNEY NSW 2000

Dear M/s Jones,

Re: Wellington Power Station

About 5 years ago I retired and moved to Wellington after working in Testing & Certification Australia in Sydney for 40 years. Now I live on a quiet north facing riverbank facing the proposed power station. See the attached photo taken from my living room 2 years ago.

I had heard rumours of building a massive noisy power station on the edge of the town. Due to my noise background, the idea did not make any sense, so I dismissed it outright until 2 weeks ago, when I became concerned about future noise annoyance for the entire town.

I am writing to you as the Project does not cover how to deal with noise complaints.

Most part of my working life I was an authorised NATA (National Association of Testing Authorities) Signatory in Community Noise Assessments. I have been involved in over one hundred noise complaints against Energy Australia.

I have witnessed noise test on transformers at various manufacture's premises on behalf of Energy Australia covering almost all of their purchases. I also tested some zone transformers on behalf of Tasmanian Hydro Electric Commission and SEQUEB of Queensland. During the early years, only arithmetic averages of pressure levels were calculated. Nowadays quadratic means and more meaningful sound power levels are required. Some manufactures even request frequency spectrums at various distances away.

In addition to the above witness testing, I have performed various field surveys on zone, kiosk and pole transformers. Some zone transformer surveys lasted several years due to volumes involved. The aim was to establish noise records of all zone transformers, especially the ones that had not been witnessed during the manufacturing phase.

A major portion of my work was noise annoyance testing, but I mention briefly having been involved in occupational hearing damage testing, impulse noise testing, ultrasonic noise testing, microphone testing, reverberation times, earmuff assessments, daily noise doses including allowable exposure times etc.

Justified annoyance complaints were usually against noises emanating from Distribution Zone Transformers, Roadside Kiosks Transformers, and Pole Transformers with or without platforms, Air Conditioning Units, Air Compressors and CLC (Customer Load Controller) Motor/Generator Sets used to inject the hourly signals to provide power to off-peak hot water tanks in various households. (There were also dozens of unjustified and marginally justified complaints)

Sometimes more than a single + 5 dB(A) penalty had to be used due to the character of the offending noise and occasionally, when several penalties were involved, various duration allowances were deducted for short lasting event contributions.

There was a brief period when EPA required L95 level background noise compliance. It was too hard to comply in practice and requirements were relaxed to L90 values.

To illustrate what happened with noise complaints over time, I created the following 'generic' story to make the point in layman's language without numbers, dates, places, people etc.:

'Power supplier' had to build a new substation due increasing load. They contemplated possible locations and asked a 'Test house' to perform 'Background noise' survey. 'Test house' found out that 'Location C' had the best 'Background A'. Now 'Power supplier' asked a 'Council', could we build a new substation at 'Location C', getting an answer: If you meet 'Background A', go ahead. 'Power supplier' asked a 'Manufacturer' can you make transformers suitable for 'Background A' that a 'Test house' will pass. They did. New substation was commissioned, everything was fine.

New houses were built closer to the substation. A few years later 'Power supplier' received a noise complaint and asked the 'Test house' to investigate. The result was that the noise complaint was justified. 'Power supplier' approached EPA, explaining that they were the first to arrive on the site, having done everything that was required, and now there is justified noise complaint, what can we do? EPA answered that it makes no difference who was there first, and if there is a justified noise complaint, resolve it to complainant's satisfaction.

'Power supplier' told the 'Manufacturer' that the transformers you made earlier satisfactorily are no longer quiet enough. We have to move them somewhere else. Can you make quieter ones that the 'Test house' will pass? 'Manufacture' said yes, but best ones are very expensive. Quietest possible transformers were made and commissioned to the complainant's satisfaction.

Years passed, more houses were built closer to the substation. 'Power supplier' received a new noise complaint. 'Test house' found it justified. 'Power supplier' went to EPA, saying that we have a new justified noise complaint. We are using the quietest possible transformers and have satisfied the previous complaints. Can you give us some leniency? EPA said that it is your noise, you have to stop it. Construct brick walls around them! Walls were built and complaints stopped.

Now new high rise development started one street further away, behind the houses that had complained years earlier. New noise complaints were received from high rise residents. 'Test house' learnt that the 4-sided high brick walls reflected noise up, making noise complaints from high rise residence further away justifiable. 'Power supplier' asked EPA, what can we do now? EPA answered that build a roof over the brick walls. It is your noise; stop it at the boundary, only 'Railways' are excused. 'Power supplier' couldn't build the roof due to heating transformers. The substation was mothballed and years later demolished and the land sold. ('Generic' end)

I was amazed how seriously Energy Australia took my evaluations and how fairly they complied with EPA requirements. Energy Australia changed their name several times, but the culture to improve quality of life stayed. Their senior engineers worked in various committees progressively improving and/or introducing new Australian Standards as technology advanced.



ERM Power Ltd has not disclosed the total sound power level of the source or used their own measured background level of  $LA_{90} = 25 \text{ dB(A)}$  in any of their assessments.

ERM has disclosed sound pressure/distance from source information combination only for one location. Using that information, I calculated the probable sound power level of the source and estimated 2000m distance to my place and calculated that the offending noise at my place might exceed the background of  $25 \text{ dB(A)}$  by  $9 \text{ dB(A)}$

On the attached map.

Position A indicates the location of the proposed site

Position B shows where I live.

Inside Circle 1 Offending noises may exceed the background by more than  $5 \text{ dB(A)}$ .

Inside Circle 2 In my opinion, offending tonal noises could be audible, as tonal noises can be heard below the background, hence the penalty. Older people, having lost the masking effect of the higher frequencies, could hear tonal low frequencies relatively louder, making the annoyance worse to them.

So far I have tried to convince you with illustrations, how powerful consequences even a single justified noise complaint may have

In principle, noise assessment is easy. The most important thing is the background noise level, as the excess that determines the justification, is always referred to it. The science how noise decays with distance is well known. When the sound power level of the source and the background level into what it must decay are known, the circle of the justified complaints area can be drawn.

Please, look at Circle 1 carefully. There may be serious noise consequences anywhere inside it.

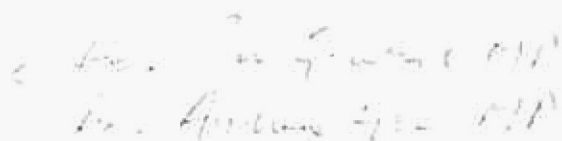
I appreciate how difficult it is to determine the total sound power level of an entire plant, that has not even been built yet. That is why the site location is vital. All I can tell you that, as for most of the town the background level is  $25 \text{ dB(A)}$  there will be problems. If the power station noise at end receiver is  $30 \text{ dB(A)}$  or less, the noise may be audible, but the noise complaints are unlikely be successful, if the values are higher than  $30 \text{ dB(A)}$  the complaints may be justified.

I would urge you not to approve the modifications and to let the Project Approval lapse.

Yours sincerely,

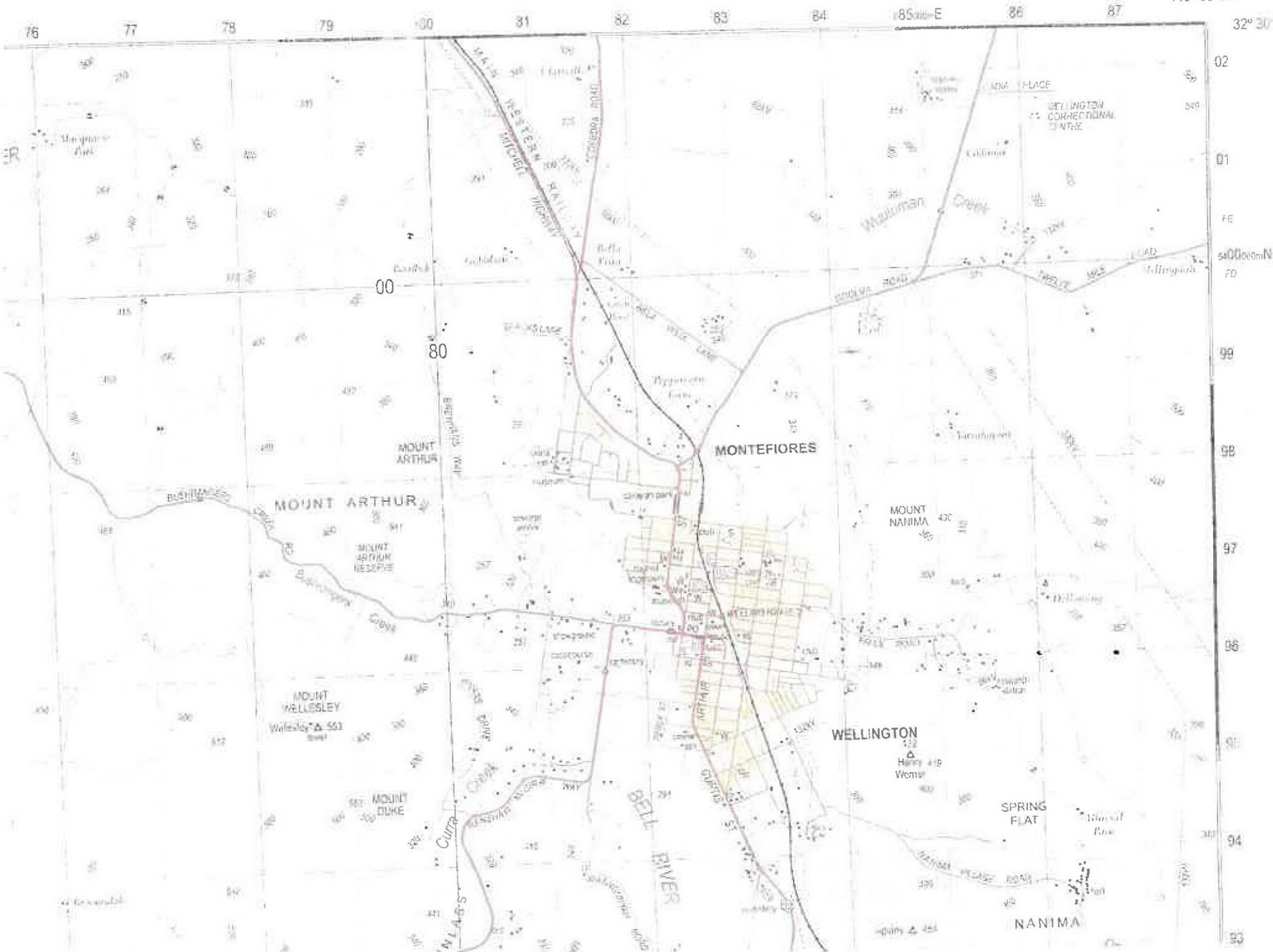


Martin Sannikka  
130 Gobolion Street  
WELLINGTON NSW 2820



149° 00' 00"

32° 30' 00"







## Richard Hammond

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**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Tuesday, 30 September 2014 3:53 PM  
**To:** mcudop  
**Subject:** IM14/29036 re: A941978 - A Referral  
**Attachments:** A941978 - REPLY.PDF; A941978 - INCOMING - ATTACHMENT 2.PDF; A941978 - INCOMING - ATTACHMENT 1.JPG; A941978 - INCOMING.PDF; Corro Action Sheet - For info.doc

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**From:** BCUMail [<mailto:BCUMail@dpc.nsw.gov.au>]  
**Sent:** Friday, 19 September 2014 3:33 PM  
**To:** Public Goward's Office Email  
**Subject:** TRIM: A941978 - A Referral

Please find attached correspondence sent to the Premier of NSW.

As this matter falls within your portfolio responsibilities, it is being referred to you for any necessary action.

If a reply is issued, please provide a copy to the Premier's Office C/- [BCUMail@dpc.nsw.gov.au](mailto:BCUMail@dpc.nsw.gov.au) including the above reference number.

For all enquiries, please contact the above email address.

Regards

**Kate Fry** | Briefings and Correspondence | Government & People Group  
NSW Department of Premier and Cabinet  
Level 15, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
☎ (02) 9228 3129 | ✉ [kate.fry@dpc.nsw.gov.au](mailto:kate.fry@dpc.nsw.gov.au)



**Mr David Elliott MP**  
**Member for Baulkham Hills**  
Parliamentary Secretary to the Premier

*Reference: A941978*

Mr Nat Barton  
'Nanima'  
7009 Goolma Road  
WELLINGTON NSW 2820

19 SEP 2014

Dear Mr Barton

Thank you for providing to the Premier a copy of your correspondence to Ms Karen Jones of NSW Department of Planning and Environment regarding modifications to the Wellington Gas Fired Power Station and its impact on the valuation of your property. The Premier has asked that I respond on his behalf.

I have carefully considered the issues you have raised and appreciate the reasons that have prompted you to write.

The issues you have raised fall within the area of portfolio responsibility of the Hon Pru Goward MP, Minister for Planning, and I have forwarded a copy of your letter to her for consideration.

If you have any further enquiries about this matter please contact the Minister's office directly. For your information the phone number for Minister Goward's office is (02) 8574 5900.

Thank you for bringing this matter to the Premier's attention.

Yours sincerely

**David Elliott MP**  
Parliamentary Secretary to the Premier

CC: The Hon Pru Goward MP



From: Gayle Mitchell  
Sent: 2014-08-18 10:29:00  
To: [premier@nsw.gov.au](mailto:premier@nsw.gov.au)  
Subject: FW: Wellington Gas Fired Power Station - MP06\_0315 MOD 2

Please register to Tim and send up

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**From:** Nat Barton [<mailto:nba43079@bigpond.net.au>]  
**Sent:** Sunday, 17 August 2014 12:12 PM  
**To:** ElectorateOffice Manly  
**Cc:** ElectorateOffice Orange  
**Subject:** Wellington Gas Fired Power Station - MP06\_0315 MOD 2

Hon Mike Baird  
Premier of NSW and Minister for Infrastructure,  
NSW State parliament,  
SYDNEY NSW 2000  
Email: [manly@parliament.nsw.gov.au](mailto:manly@parliament.nsw.gov.au)

Dear Premier Baird,

I have sent this email to your electorate office, perhaps they will be kind enough to forward it to the relevant email address.

Please see attached for your information a copy of my letter to the Hon Rob Stokes MP, Minister for Environment and Minister for Heritage. I have also written to Hon Pru Goward, Minister for Planning, Hon Victor Dominello MP, Minister for Aboriginal Affairs and cc to Hon Brad Hazzard, Attorney General & Minister for Justice, Hon Jillian Skinner MP, Minister for Health and cc Dr Kerry Chant, NSW Health Department, Hon Anthony Roberts MP, Minister for Resources & Energy, Special Minister of State and Leader of the House and Hon Andrew Gee MP, Member for Orange.

I wish to acknowledge the very best efforts of Hon Andrew Gee MP in attempting to resolve this most unacceptable situation and for organising a meeting with Hon Brad Hazzard, former Minister for Planning who wrote to the proponents requesting settlement at an early date.

Unless and until the Minister for Planning orders the proponents to either pay for the damage they have knowingly caused me &/or alternatively to walk away from the proposal my life remains in a limbo land. My circumstances will remain dire and it is inevitable that a Judge will find that I am insolvent because my property, my principal asset, which is within 700m of the proposal is blighted and valueless. In fact, His Honour Justice Altobelli did just that even though I have orders made by His Honour Justice Young to replead/amend my pleadings in the SCNSW matter and I obtained a Say of Enforcement in the Local Court matter by Magistrate Buscombe.

Whilst, I have appealed the Sequestration Orders of Altobelli J the appeal is not likely to be heard in time now that a Trustee has been appointed.

My Cross Claims in the SCNSW are compromised by this approval and I have had to represent myself in those matters because I cannot raise the money to pay legal Counsel to argue my case for me. I have orders made by His Honour Justice Slattery for Pro Bono Assistance under UCPR rule 7.36 but the prothonotary's appointment simply does not have the time to assist me.

Leaving aside my claims in the SCNSW against my former solicitor and others, the conduct of the proponents is nothing short of disgraceful. In September 2008 they made an offer to acquire my property. They acknowledged that the offer was based on a seriously flawed valuation that was even lower than a 1999 Valuation and invited me to make a counter offer that in their words would be referred to the upper echelons of the company. This I did, and I eventually obtained the services of Mr Alan Hyam OAM, Barrister and Valuer. They did not respond to Mr Hyam's valuation until September 2011 and it far exceeded their assessment.

The statements made in Section 4.23 of the Submissions that accompany the Project Approval are simply incorrect and not true. They have not made every effort to enter into a fair and reasonable settlement.

This Project has been on foot since 2005, approval was granted by Minister Keneally in March 2009 and many of the politicians involved have been called before ICAC and found guilty of corruption including Tony Kelly, Eddie Obeid, Joe Tripodi and no doubt more will unfold as ICAC continues its investigations.

This is Labor's mess - you were elected to clean it up. I fail to understand why I should become another casualty in those whole saga.

Could you please involve yourself in this matter - the Department of Planning seems to think it should continue for at least another five years and possibly ten.

Please read the attached letter from M/s Sarah Laurie, CEO of the Waubra Foundation. Should there be approval of these modifications there are widespread and deleterious implications for the Wellington community as well as Wellington Jail.

Yours sincerely,

Nat Barton  
"Nanima",  
7009 Goolma Rd.,  
WELLINGTON NSW 2820  
Ph: 02 68 451793  
Email: [nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

From: Gayle Mitchell  
Sent: 2014-08-18 10:29:00  
To: premier@nsw.gov.au  
Subject: FW: Wellington Gas Fired Power Station - MP06\_0315 MOD 2

----- Original Message -----

**From:** Nat Barton  
**To:** Hon Rob Stokes  
**Sent:** Saturday, August 16, 2014 5:49 PM  
**Subject:** Fw: Wellington Gas Fired Power Station

16 August 2014

Hon Rob Stokes MP  
Minister for Environment & Minister for Heritage  
NSW State Parliament,  
SYDNEY NSW 2000  
Email: [office@stokes.minister.nsw.gov.au](mailto:office@stokes.minister.nsw.gov.au).

Dear Minister Stokes,

**RE: WELLINGTON GAS FIRED POWER STATION - MP06\_0315 MOD 2**

I write to you as both Minister for Environment and Minister for Heritage.

I refer to the Recommendations by M/s Diane Sarkies, Planning Officer, NSW Department of Planning to M/s Karen Jones, Director of Infrastructure Projects, NSW Department of Planning in relation to these further modifications that are published on the Department of Planning website.

M/s Sarkies recommends :-

1. An extension of the lapse date by 5 years to March 2019 (Condition 1.4); and
2. The power station can be configured with either two or four gas turbine units. The proponent commits to adopting only the two unit configuration that would significantly reduce noise at the nearest residences (Condition 2.7).

Currently, M/s Karen Jones, Director of Infrastructure Projects, NSW Department of Planning is considering the submissions opposing the modifications. Attached to this email are the submissions of M/s Sarah Laurie BMBS (Flinders) CEO, Waubra Foundation. I support totally the submissions that M/s Laurie makes.

My property, Nanima, is registered on the National Estate and has been since March 1978, is on the Wellington LEP as a heritage item and is on the National Trust Register. In short it overlooks the town of Wellington. It features a central ballroom surrounded by 6 bedrooms and a skylight some 40 feet above the ballroom.

The reason for the listing by the Australian Heritage Commission on the Register of the National Estate is stated to be :

*"One of the most interesting and intact Edwardian homesteads in NSW. The interior is distinguished by the amount of original decoration and the large top lit central living hall."*

The Wellington Heritage Inventory dated 4 June 2008 contains the following comments concerning "Nanima" :

*"The Barton family have been prominent in the development and social life of Wellington for more than a century. Because of this Nanima has historical importance to the community and is an icon of the district."*

My Great Grandfather, Major Charles Barton, built Nanima and is the uncle of Banjo Patterson and Nanima holds special significance to the Patterson family. In 1839 my Great Great Grandmother, Emily Barton visited her sister, Rose Templar whose husband leased Nanima from JB Montefiores. On that visit Emily brought with her 4 children that included her twin girls Rose and Mary. Tragically , the healthier of the twins, Mary died at Wellington on that visit. Rose Barton is the mother of Banjo Patterson.

Some of the other famous Australians who have links to Nanima include Dorothea Mackellar and Edmund Barton, who was to become Australia's first Prime Minister. My Grandfather, Colonel Dr ND Barton CBE, served in both WW1 and WW2 with distinction and served on almost every community organisation in Wellington after WW2. His work providing free medical services to the Aboriginal community is well recognised. He represented Australia by leading the NSW Contingent at the Coronation of King George V1, the medical assessment panel to Japan after the dropping of the atomic bombs on Hiroshima & Nagasaki and the ANZAC commemorative services in NZ. He was a Gallipoli veteran and Major in the 7th Light Horse.

The proponents of this Major Project approved under Part 3A propose to drastically change the architectural features of this house by sealing and sound proofing it. As M/s Laurie says this is not likely to lessen the impact of the infrasound noise anyway. Further, they propose to build a 15m high wall that is also likely to have minimal affect.

The proponents began planning for this Project in 2005, they were granted approval on 4 March 2009 and still have not physically commenced construction. The project Approval lapsed on 4 March 2014. To date there is still no gas pipeline connection to the site and there have been 3 proposals

From: Gayle Mitchell  
Sent: 2014-08-18 10:29:00  
To: [premier@nsw.gov.au](mailto:premier@nsw.gov.au)  
Subject: FW: Wellington Gas Fired Power Station - MP06\_0315 MOD 2

to supply gas - first from Alectown near Parkes, second from the Eastern Star Gas proposal through Mullaley that was abandoned by Santos after they purchased Eastern Star Gas and finally from Young. I am not aware that any serious planning has commenced for the proposed pipeline from Young.

The proponents, ERM Power Ltd are linked and intertwined with the Obeid family and they have made misleading and deceptive statements to the Press and the Wellington Community throughout. They have promised 300 jobs to Wellington and made comments that Wellington will enjoy a "mini boom". Further, they have said that they will negotiate with their neighbours and that they are important to them - nothing could be further from the truth.

At no time have they informed the Wellington community about the debacle at Uranquinty where up to 10 properties had to be acquired because the Department of Planning got the noise modelling wrong. In fact, they flew the Mayor and others (not me) to the Oakey Power Station but did not even introduce to them to the affected neighbour who no doubt had signed a "gag agreement" with them.

Dr Norm Broner formerly of the NHMRC says in his paper, "Power to the People" states that Gas Fired Power Stations should not be built within 1.5-2km of rural residences (see Attachment 3 of M/s Laurie's letter). Nanima is within 700m of the proposal.

Nanima is blighted and valueless as a consequence of Kristina Keneally's 2009 approval. As you would be aware M/s Keneally was strongly supported by Joe Tripodi when she became Premier after deposing Nathan Reese. I understand that Mr Tripodi has been banned from the Labor Party after the ICAC revelations. Likewise Tony Kelly (who became Planning Minister after Keneally). Mr Kelly is from Wellington and introduced ERM Power to David Baxter (the owner of the land where the Power Station is proposed) and who is now a shareholder of ERM Power. The approval was paid for by over \$100,000.00 in declared political donations to the Labor Party.

By any standards this is a most unacceptable situation and reflects the rottenness that has permeated through NSW Politics.

I would ask you as the Minister for the Environment and Heritage to do what you can to put a stop to all of this. A further 10 years of living in a limbo land where I am unable to enjoy my property rights is not in the best interests of this State. Further restoration of Nanima has been ground to a halt. I regretfully put the property to Auction on 28 October 2011 and there were no bids and no subsequent offers.

Developers of my subdivision land have bolted like wild horses when they have been informed of this Project. They have spent in excess of \$200,000.00 in planning for an Aged Care/Motel Development that would have funded the upkeep costs of this magnificent property as well as providing long term employment opportunities to service a growing aged population in this town. No one can be expected to put down any money amidst this much uncertainty.

If you require further details please do not hesitate to contact me.

Yours sincerely,

Nat Barton  
"Nanima",  
7009 Goolma Rd.,  
Wellington NSW 2820  
Ph: 02 68 451 793  
Email: [nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

— Original Message —

**From:** [Sarah Laurie](#)  
**To:** [Karen Jones](#)  
**Cc:** [Hon Pru Goward](#) ; [Mr Andrew Gee](#) ; [Nat Barton](#)  
**Sent:** Wednesday, August 06, 2014 8:45 AM  
**Subject:** Wellington Gas Fired Power Station

Dear Ms Jones

Please find attached a letter detailing our concerns about the impacts of the proposed Wellington Gas Fired power station, even with the proposed modifications.

Please do not hesitate to contact me should you require further information.

regards

Sarah

From: Gayle Mitchell  
Sent: 2014-08-18 10:29:00  
To: [premier@nsw.gov.au](mailto:premier@nsw.gov.au)  
Subject: FW: Wellington Gas Fired Power Station - MP06\_0315 MOD 2

**Sarah Laurie BMBS**

CEO  
PO Box 7112  
Banyule VIC 3084  
AUSTRALIA

**[sarah@waubrafoundation.org.au](mailto:sarah@waubrafoundation.org.au)**

**0474 050 463**

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Dear Ms Jones

Please find attached a letter detailing our concerns about the impacts of the proposed Wellington Gas Fired power station, even with the proposed modifications.

Please do not hesitate to contact me should you require further information.

regards

Sarah

Sarah Laurie BMBS  
CEO  
PO Box 7112  
Banyule VIC 3084  
AUSTRALIA

**[sarah@waubrafoundation.org.au](mailto:sarah@waubrafoundation.org.au)**

**0474 050 463**



The Waubra Foundation.  
PO Box 7112  
Banyule Vic 3084  
Australia

Reg. No. A0054185H  
ABN: 42 152 077 891

CEO Mobile: 61 + 0474 050 463  
E: [info@waubrafoundation.org.au](mailto:info@waubrafoundation.org.au)  
[www.waubrafoundation.org.au](http://www.waubrafoundation.org.au)

**Patron**  
Alby Schultz

**Board**  
Charlie Arnott, BRuSci (Hons)  
Dr Michael Crawford, B Sc, B A  
Admin), M Admin Studies, PhD  
Tony Hodgson, AM FCA, FAICD  
Sarah Laurie, BMBS (Flinders) (CEO)  
Peter R. Mitchell AM, BChE (Chair)  
Alexandra Nicol, B Ag (Hons)  
Kathy Russell, BCom, CA  
The Hon. Clive Tadgell, AO  
The Hon. Dr. Michael Wooldridge,  
B.Sc. MBBS, MBA

6<sup>th</sup> August, 2014

Ms Karen Jones  
Director, Infrastructure Projects,  
Development Assessment Systems & Approvals  
NSW Department of Planning & Environment  
Sent by email  
[karen.jones@planning.nsw.gov.au](mailto:karen.jones@planning.nsw.gov.au)  
cc Planning Minister, Hon Pru Goward  
cc Andrew Gee, MP

Dear Ms Jones

**Re: WELLINGTON GAS FIRED POWER STN - MP06\_0315 MOD 2**

Mr Nat Barton, owner of heritage listed "Nanima" has asked me to write to you concerning the above project, and specifically the likely effectiveness of the proposed modifications, designed to reduce the noise impact from the proposed gas turbines.

Despite the proposed modifications to both the turbines and the proposed noise barrier, Mr Barton is still very concerned about the impact of infrasound, low frequency noise (ILFN) and vibration on his home's amenity and on his own health.

I share his concerns for himself and other members of the community who are located within the acoustic impact zone of this development, because of what I know about what happened at Uranquinty power station, in NSW near Wagga. The precise distances of the acoustic impact zone from this design of turbine is unknown, because there is no public data I can find relating to the exact noise emissions (rather than models) from these turbines in frequencies below 200 Hz, particularly in the infrasound and very low frequency noise part of the sound spectrum. These frequencies are particularly penetrating, and the proposed sound barrier for Nanima therefore may not prevent the symptoms of "annoyance" which include repetitive sleep disturbance.

Residents' reports at Origin Energy's Uranquinty gas fired power station, (prior to being silenced with non disclosure clauses as part of their property buy out agreements), suggest that there was a significant infrasound and low frequency noise component involved in the noise emissions. However in the absence of adequate public information about either the resident's experiences, or the full spectrum of acoustic emissions inside and outside their homes, the likely emissions and impacts of the proposed Wellington development remain unknown.



Mr Barton is well aware of the expensive planning and noise pollution regulation debacle at Uranquinty Gas Fired Power Station, despite the best attempts of those responsible to ensure that those affected (residents) or professionals (acousticians) were all silenced with non disclosure clauses. I heard directly from some residents, before they signed their non disclosure clauses, and the symptoms and health problems were identical to those described by Professor Geoffrey Leventhall as "annoyance" resulting from exposure to environmental low frequency noise.<sup>1</sup> Their symptoms included those of repetitive sleep disturbance as well as physiological stress. Both these adverse health effects (chronic sleep deprivation and chronic stress) have serious longterm consequences and are well known to clinical medicine to result in degraded health and wellbeing, and to result from excessive environmental noise, so this is not unexpected.<sup>2 3 4 5 6 7 8</sup>

The facts remain that at Uranquinty, numerous families (ten according to Mr Barton) were forced from their homes because of excessive and health damaging noise pollution in the low frequencies below 200 Hz, **resulting from underestimation of the noise emissions in the planning stage of that development**, and therefore underestimation of the likely adverse health impact when that gas fired power station development was approved by the NSW Department of Planning.

It would seem that history is repeating itself, again, this time at Wellington.

Non disclosure clauses have prevented public transparency about the nature and severity of the subsequent noise impacts resulting from the decision to approve that type of development in that location, close to homes, in a quiet rural environment. This has the unfortunate effect of ensuring that we cannot learn from previous mistakes, and the lack of public transparency allows proponents of similar developments such as this proposed Wellington gas fired power station to infer there is no or little adverse health impact from the ILFN and vibration, when the actual reality in quiet rural areas is that the impacts can be significant, and incompatible with remaining living in one's home if people are badly impacted by, and sensitized to, the impulsive nature of the sound energy. **The NSW Department of Planning is well aware of the outcome at Uranquinty, and I would have thought would be giving serious consideration to the adoption of a truly precautionary approach to this development, given previous experiences at Uranquinty.**

I note that current President of the Australian Acoustical society and Australian Low Frequency Noise Acoustic expert Dr Norm Broner has suggested that homes should be at least 1.5 - 2km away from these developments, in an article entitled "Power to the People" which was part of a paper delivered at a conference in the UK in 2012.<sup>9</sup> I also note that some of the seriously affected households at Uranquinty lived **further than 2km** from the gas fired power station. There was a clear dose response relationship and evidence of a direct causal effect between sound emissions and "annoyance" symptoms (which were intolerable in their impact), just as Dr Neil Kelley et al found in 1982 in the USA.<sup>10</sup>

Apart from Mr Barton's close proximity at 700 metres, I am also very concerned about the proximity of the Wellington township to this proposed development, with sensitive receptors such as the nursing home, and the closeness of the Wellington Correctional facility, (all within 3-5 km away according to Mr Barton). If residents who are inmates of the jail are particularly sensitized to the LFN over time, they will be unable to escape its adverse impacts on health and sleep. This could put Australia (NSW) in clear breach of the Convention against Torture and other cruel inhuman and degrading treatment, particularly if the sound

<sup>1</sup> <http://waubrafoundation.org.au/resources/review-published-research-low-frequency-noise-leventhall/>

<sup>2</sup> <http://waubrafoundation.org.au/resources/berglund-hassmen-job-sources-and-effects-low-frequency-noise/>

<sup>3</sup> <http://waubrafoundation.org.au/resources/goines-l-hagler-l-noise-pollution-modern-plague/>

<sup>4</sup> <http://waubrafoundation.org.au/resources/health-effects-environmental-noise-other-than-hearing-loss/>

<sup>5</sup> <http://waubrafoundation.org.au/resources/roberts-c-ecoaccess-guideline-for-assessment-low-frequency-noise/>

<sup>6</sup> <http://waubrafoundation.org.au/resources/who-night-noise-guidelines-for-europe/>

<sup>7</sup> <http://waubrafoundation.org.au/resources/who-burden-disease-from-environmental-noise/>

<sup>8</sup> <http://waubrafoundation.org.au/resources/berglund-b-lindvall-t-community-noise/>

<sup>9</sup> <http://waubrafoundation.org.au/wp-content/uploads/2013/03/Broner.pdf>

<sup>10</sup> <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>

energy frequencies cause repetitive sleep disturbance, which itself has been clearly acknowledged as torture by both the Committee Against Torture<sup>11</sup> and the Physicians for Human Rights.<sup>12</sup>

Knowledge of the impacts directly caused by impulsive sound energy in the lower frequencies (not currently monitored by the NSW EPA) can be seen in the 1982 paper by Dr Neil Kelley and his colleagues,<sup>13</sup> which compared the impacts of the impulsive nature of the sound from wind turbine noise with that from a gas fired power station. The impulsive sound energy penetrates through building structures, and can resonate and amplify, increasing the negative health impacts perceived by the residents. The negative health impacts are generally known as “annoyance” which understates the severity of the recognized impacts which include repetitive sleep deprivation – itself well known to cause downstream physical and mental health problems.

As you may be aware, the Waubra Foundation is concerned about excessive noise pollution, particularly in the lower frequencies, regardless of the source of the noise. To date the investigative acoustic field work we have commissioned or facilitated has predominantly been near industrial wind turbines, due to the volume of complaints received from those residents. So apart from information received about Uranquinty, and from residents adversely impacted by noise and vibration from gas fired power stations at Port Campbell and Laverton in Victoria, we rely on the measurements and public statements of others with more experience and direct measurements in this area. Unfortunately, because of the non disclosure clauses, there is no transparency about either the acoustic emissions or their impacts on people. This use of non disclosure clauses in subsequent property buy out agreements and agreements with acoustic consultants working for the noise polluters is against the public interest, and perpetuates the ignorance of the impacts amongst the health professionals at the front line of treating these symptoms and subsequent illnesses.

We note the consequences of approving noise polluting developments on neighbouring communities are complaints of excessive noise and regular repetitive sleep disturbance, along with a range of other predictable adverse health effects from chronic stress. This may also result in subsequent litigation if the approving authorities were warned of the likely impacts and ignored those warnings, resulting in predictable harm to human health.

In 2013, the NSW Land and Environment Court refused a future mine extension because of coal mining noise, amongst other issues.<sup>14</sup> The Warkworth decision specifically noted the significant noise impacts on residents, the inappropriate noise criteria and noise control measures for the project, resulting in severe and unacceptable adverse health impacts which have also been documented by others elsewhere in the Hunter region, in many instances still not resolved.<sup>15</sup>

The Waubra Foundation is helping a number of these residents obtain access to independent full spectrum noise and vibration monitoring, as the current system of the noise polluters contracting acousticians to investigate is not trusted by the residents, who frequently report that during the monitoring period the mine operations are not as active, with immediate and noticeable increases in the noise impacts when the monitors are removed. This is one reason why the Foundation is advocating that there needs to be continuous full spectrum noise monitoring (and vibration) and that the results should be made publicly available to all interested parties. It is also our view that the requirement and the cost of such acoustic monitoring (independent of the noise polluter) should be made clear at the project approval stage.

In closing, the Foundation considers that this development, in this location, even with the proposed modifications, will be likely to cause adverse health impacts to vulnerable people residing in the township of Wellington and the correctional facility over the life of this project, as well as Mr Barton under specific

---

<sup>11</sup> <http://waubrafoundation.org.au/resources/un-convention-against-torture/>

<sup>12</sup> <http://physiciansforhumanrights.org/library/reports/leave-no-marks-report-2007.html>

<sup>13</sup> <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>

<sup>14</sup> <http://www.caselaw.nsw.gov.au/action/pjudg?jgmid=164038>

<sup>15</sup> <http://waubrafoundation.org.au/resources/rich-land-waste-land-how-coal-killing-australia-sharvn-munro/>

meteorological conditions, particularly temperature inversions, where the wind is blowing from the gas fired turbines to the homes / facilities.

This proposed project is simply too close to human habitation, and the proposed barrier will not prevent the adverse health impacts if the frequencies are in the very low part of the sound spectra. The unexpected unintended impacts at Uranquinty resulted in up to ten households having to leave their homes and being silenced.

**I see no reason for the same mistakes to be repeated at Wellington, particularly when the NSW Government is already aware of them.**

I repeat, this practice of hiding essential acoustic information via nondisclosure clauses, in contracts with powerful noise polluters, is against the public interest.

Yours sincerely

Sarah Laurie  
CEO

**Attachments:** (please download at the listed links)

1. Revised Acoustic Pollution Assessment Requirements from March 2013  
<http://waubrafoundation.org.au/about/acoustic-pollution-assessment/>
2. Kelley et al 1982 <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>
3. Broner, N 2012 "Power to the People" <http://waubrafoundation.org.au/wp-content/uploads/2013/03/Broner.pdf>

Toby,

Can you please place this email on file and in objective?

Karen

**Karen Jones**

Director Infrastructure Projects  
Department of Planning and Environment  
23-33 Bridge Street | Sydney NSW 2000  
GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | [karen.jones@planning.nsw.gov.au](mailto:karen.jones@planning.nsw.gov.au)



**From:** Karen Jones  
**Sent:** Wednesday, 10 December 2014 8:42 AM  
**To:** 'Nat Barton'  
**Subject:** RE: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear Mr Barton,

Thank-you for your continued interest in the Wellington Gas Fired Power Station.

The status of the application is that a decision is still pending. As you were previously advised, the Department will be in touch prior to a final decision being made.

Kind Regards,

Karen Jones

**Karen Jones**

Director Infrastructure Projects  
Department of Planning and Environment  
23-33 Bridge Street | Sydney NSW 2000  
GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | [karen.jones@planning.nsw.gov.au](mailto:karen.jones@planning.nsw.gov.au)



**From:** Nat Barton [<mailto:nba43079@bigpond.net.au>]  
**Sent:** Monday, 8 December 2014 8:38 AM  
**To:** Karen Jones  
**Cc:** Pru Goward; Andrew Gee  
**Subject:** Re: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

I refer to the email correspondence below.

I note that a decision to modify the project is still pending and has been since March 2014 - some 9 months.

Could you please advise when the Department of Planning plans to make a final decision.

Yours sincerely,

N Barton

----- Original Message -----

**From:** [Karen Jones](#)

**To:** [Nat Barton](#)

**Sent:** Friday, September 12, 2014 8:37 PM

**Subject:** RE: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear Mr Barton,

Thank-you for your email. The issues you have raised below will be considered by the Department of Planning and Environment.

As previously discussed, I can advise that a decision on the application is still pending and that the Department will be in touch prior to a final decision being made.

Kind Regards,

Karen Jones

**Karen Jones**

Director Infrastructure Projects

Department of Planning and Environment

23-33 Bridge Street | Sydney NSW 2000

GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | [karen.jones@planning.nsw.gov.au](mailto:karen.jones@planning.nsw.gov.au)



**Planning &  
Environment**

**From:** Nat Barton [<mailto:nba43079@bigpond.net.au>]

**Sent:** Thursday, 11 September 2014 12:38 PM

**To:** Karen Jones

**Cc:** Martin Sannikka; Pru Goward; Andrew Gee; Sarah Laurie

**Subject:** WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

**RE: WELLINGTON GAS FIRED POWER STN - MOD 2**

I refer to our telephone conversation earlier today concerning the timeframe and decision maker re the proposed Modifications. You will appreciate that the Project has been on foot since 2005 and has caused and continues to cause untold damage to myself and others directly affected. Our property rights are lost, developers are gone and our properties are valueless and bankruptcy is a real possibility.

You will recall that you said that a decision was not imminent (ie not within the next two weeks) and that the proposal may be referred to the Planning Assessment Commission ("PAC") under the delegated authority of the Minister for Planning.

I submit that the proposal should not be referred to the PAC because as stated in previous correspondence to you from myself on 31 July 2014 & 27 August 2014, M/s Sarah Laurie, CEO of the Waubra Foundation on 6 August 2014 and Mr Martin Sannikka dated 2 September 2014 and emailed on 5 September 2014:-

(i) the PAC determined MOD 1 and could not have done a due diligence on the figures provided by the proponents because the ambient background noise levels (ie 25dB(A)) have not been used in any of their modelling (see my email dated 27 August 2014) ;

(ii) there is no plan for annoyance abatement for the town of Wellington or other affected residences ;

(iii) the figures provided to the PAC for MOD 1 by the proponents do not accurately reflect the noisiest component at the source ; and

(iv) the impact zone of the Project has not been accurately disclosed by the proponents.

It would appear to me that the PAC do not have the technical knowledge to evaluate the proposal and have not demonstrated that they have the expertise to properly examine conflicting advice

In my view this Project approval should be determined by the Minister for Planning and if necessary, after consultation with other Cabinet Ministers whose portfolios are very likely to be directly affected. The Project has been tainted by substantial Political Donations throughout the Planning process and Departmental officers full well knew of the unfolding debacle at Uranquinty (a similar proposal by the same company) when this Project was approved on 4 March 2009. Corrupt conduct is being rewarded.

The Department has relied on a 2010 paper by Dr Broner in their Recommendations, yet in 2012 Dr Broner has categorically said that Gas Fired Power Stations should not be built within 1.5 to 2km of rural residences.

The Minister and those who give her advice need to be held responsible for whatever decision is made and the advice which they give.

Yours sincerely,

Nat Barton  
"Nanima",  
7009 Goolma Rd.,  
Wellington NSW 2820  
Ph: 02 68 451 793  
Email: [nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

-----  
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information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.

You should scan any attached files for viruses.



## Rose Rocca

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**From:** Public Goward's Office Email <[office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)>  
**Sent:** Friday, 30 January 2015 2:11 PM  
**To:** mcudop  
**Subject:** FOR INFO ONLY : IM15/3073 : Email cc to the Minister from Mr Nat Barton r.e letter to ICAC regarding the ERM Project 30/01/2015 RE: Meeting Briefing Notes.  
**Attachments:** Email cc to the Minister from Mr Nat Barton r.e letter to ICAC regarding the ERM Project 30 01 2015 RE Meeting Briefing Notes.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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I·C·A·C

INDEPENDENT COMMISSION  
AGAINST CORRUPTION  
NEW SOUTH WALES

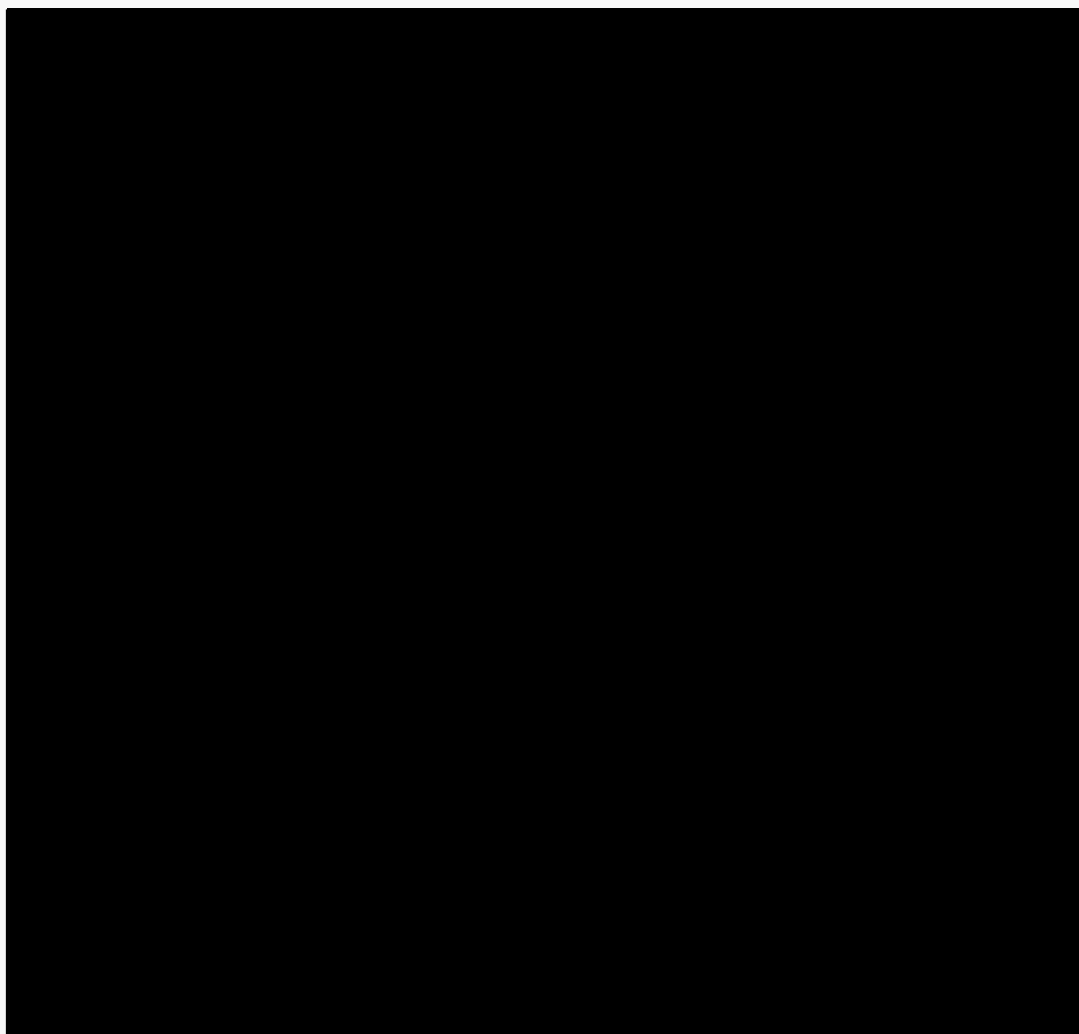
Mr N Barton  
"Nanima"  
7009 Goolma Road  
WELLINGTON  
NSW 2820

16 January 2015

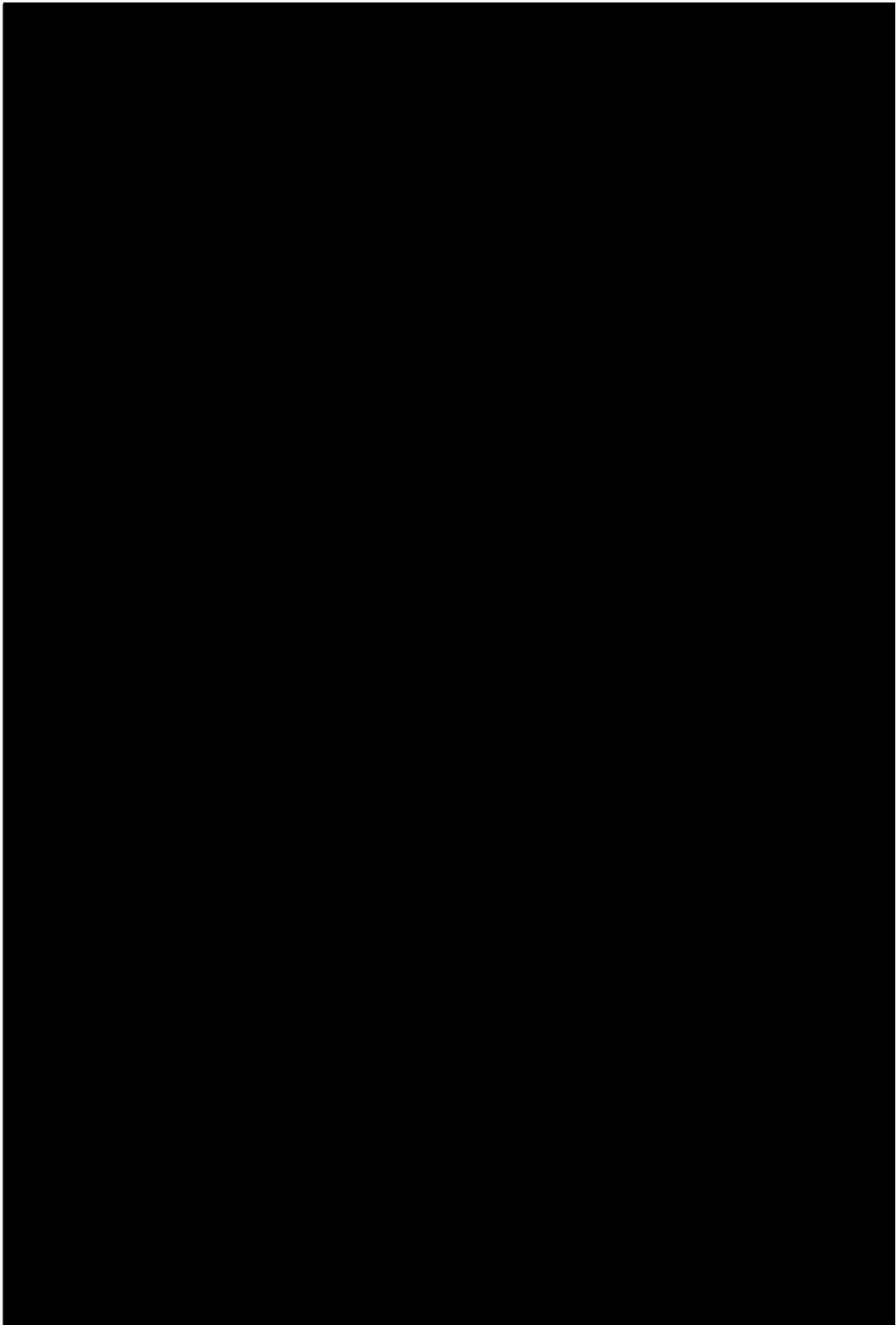
[REDACTED] : [REDACTED]

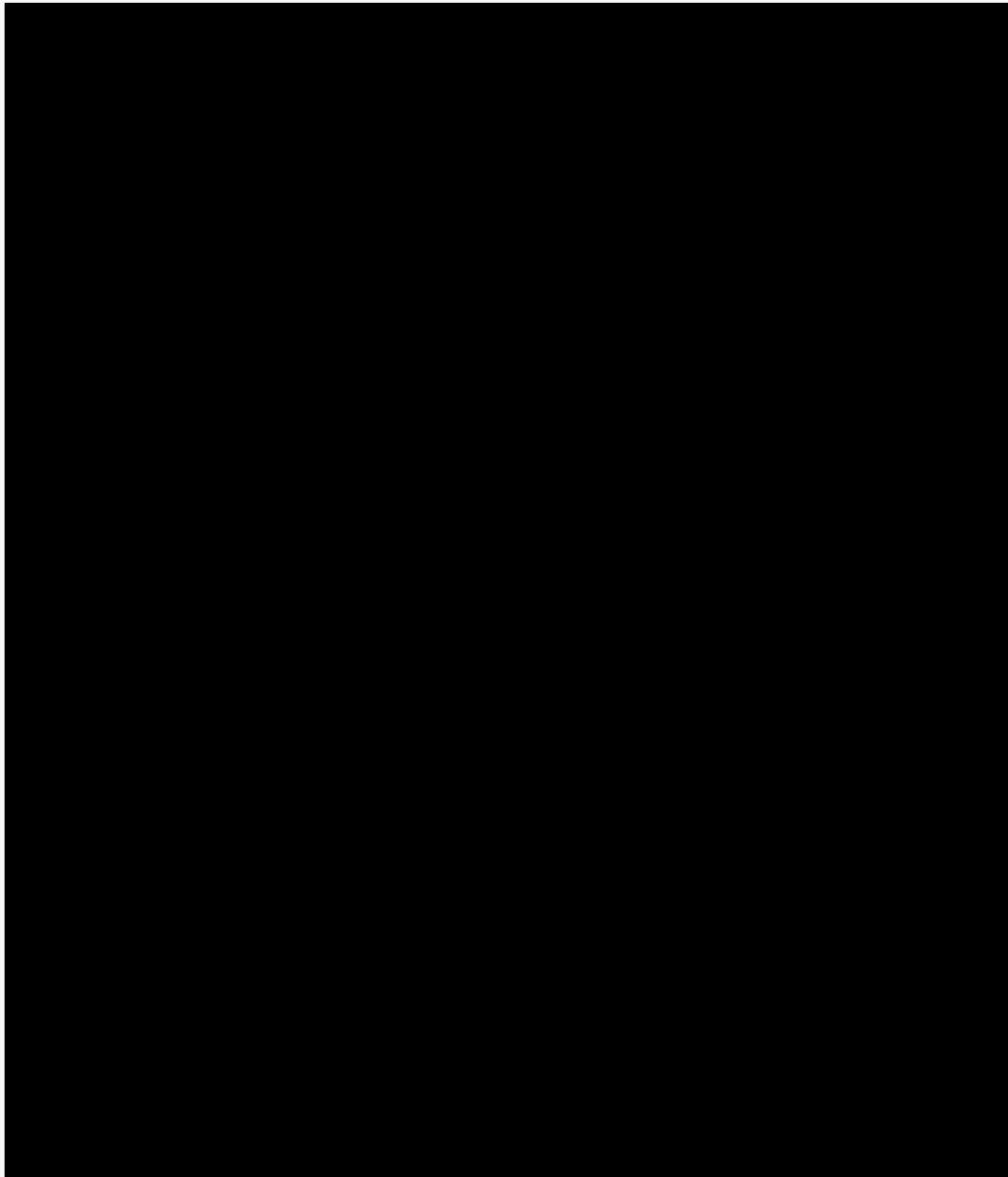
*Received*  
[REDACTED] 15  
(15)

IN CONFIDENCE



Level 7, 255 Elizabeth Street  
Sydney NSW 2000  
GPO Box 500 Sydney NSW 2001  
ABN 17 924 402 440  
T 02 9281 5000 F 02 9264 5364  
E [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
[www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)





## Richard Hammond

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Monday, 2 February 2015 11:53 AM  
**To:** mcudop  
**Subject:** FOR INFO ONLY : IM15/3153 : Email from Mr Nat Barton 25/01/2015 - Re: Wellington Times Article.  
**Attachments:** Email\_Fw WELLINGTON TIMES ARTICLE - 23 JAN 2015.html; IMG.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily those of the office of the Minister.

**E-mail Message**

---

**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC]  
**Cc:**  
**Sent:** 25/1/2015 at 10:31 AM  
**Received:** 25/1/2015 at 10:31 AM  
**Subject:** Fw: WELLINGTON TIMES ARTICLE - 23 JAN 2015

---

**Attachments:** IMG.pdf  
Corro Action Sheet - For info.doc

---

Dear Minister Goward,

FYI.

N Barton

----- Original Message -----

From: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
To: HYPERLINK "mailto:orange@parliament.nsw.gov.au"Andrew Gee  
Cc: HYPERLINK "mailto:martinsannikka@bigpond.com"Martin Sannikka  
Sent: Saturday, January 24, 2015 10:15 AM  
Subject: WELLINGTON TIMES ARTICLE - 23 JAN 2015

Dear Andrew,

My apologies I mistakenly scanned the wrong page in the Wellington Times of Friday 23 Jan 2015 that was sent to you yesterday - 23 Jan 2015.

Please see attached.

Nat

credits to the Australian government for a price," she said.

"This means that any businesses that modify their practice to be more 'green', could be rewarded for this activity as a business transaction. It's a business decision, as well as an environmental one.

"The greatest benefit is that it's not limited to any one industry. The opportunity is equal whether you're a farmer, a transport operator, machinery hire business, manufacturer or mine.

"In fact, representatives of these industries will also be joining us to shape a project that will span across industries and locations."

Regional Development Australia Orana plans to bring together a range of emissions reductions projects to achieve the scale needed to bid into the ERF, in what is being called the Orana Carbon Project.

The Orana Carbon Project has been developed from the ground up as a broad-based, community supported project led by RDA Orana, M2100, Carbon Farmers of Australia and Renewed Carbon.

"We believe this will give the region's projects the best chance for success when it comes to selling credits to government," Ms Edwards said.

"Operating at scale will help us prove that this option presents the best value-for-money and, in doing so, bolster regional industries by assisting them to access this secondary income stream."

## Councillor hurt in fall

A popular Geurie man and Wellington councillor is in a stable condition in Royal Prince Alfred, Sydney Hospital following a fall while working on his house. Councillor Graham Cross was initially taken to Wellington and Dubbo Hospitals before being airlifted by helicopter with serious head injuries to Sydney.

The family has thanked Dr Brindha Shivalingham, an internationally recognised RPA neuro-surgeon, for helping with his care. Dr Shivalingham was in Wellington last year as a guest of Mr Cross's daughter Georgina for the Brain Ball.

The mayor has been in contact with Mr Cross's family and he and his fellow councillors have sent their best wishes.

4 WELLINGTON TIMES, Friday January 23 2015



Frank Barker always like keeping up with the latest news and when we caught up with him at the library he was getting the lowdown on a few stories. His wife said he loved knowing what's going on. "Watch out he'll have something to tell you," she added. Mr Barker is also a very good reader of council minutes and looks at the issues and is never afraid to air an opinion.

## Residents voice concerns over power station

A spokesperson for the NSW Department for Planning and Environment says people who have made submissions in relation to the extension of ERM Power's licence to run a gas-fired power station in Wellington have been spoken to.

"Site visits have already been completed. Further submissions, which were made when the department published its recommendation online are now being considered. A final decision on the modification proposal will be made

shortly.

ERM Power is wanting a five-year extension until 2019 and told the *Times* the NSW Department of Planning was reviewing its application to extend development approval for the project.

"In order to provide for quieter operation, the application includes modification of the plant configuration which will also result in higher efficiency and lower emissions," an ERM Power spokesperson said.

"It is worth noting that as a low-emis-

sion, gas-fired peaking power station, Wellington would be expected to operate only occasionally, unlike base load power stations that operate continuously.

A local expert in noise testing has revealed major concerns about Wellington's Gas Fired Power station licence extension.

Martin Sannika who lives on a property not far from the site where ERM Power's project would be situated has placed doubts on the testing of noise levels.

## Richard Hammond

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Monday, 2 February 2015 11:59 AM  
**To:** mcudop  
**Subject:** FOR INFO ONLY: IM15/3162 : Email from Mr Nat Barton 25/01/2015 - RE: Wellington Gas Fired Power Station, EPA, No Licence Application.  
**Attachments:** Email\_Fw WTN GAS FIRED POWER STN - EPA - NO LICENCE APPLICATION.html; IMG.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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## E-mail Message

---

**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC]  
**Cc:**  
**Sent:** 25/1/2015 at 10:31 AM  
**Received:** 25/1/2015 at 10:31 AM  
**Subject:** Fw: WTN GAS FIRED POWER STN - EPA - NO LICENCE APPLICATION

---

**Attachments:** IMG.pdf  
Corro Action Sheet - For info.doc

---

Dear Minister Goward,

FYI.

N Barton

----- Original Message -----

From: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
To: HYPERLINK "mailto:farren.hotham@fairfaxmedia.com.au"Farren Hotham  
Cc: HYPERLINK "mailto:martinsannikka@bigpond.com"Martin Sannikka ; HYPERLINK "mailto:orange@parliament.nsw.gov.au"Andrew Gee  
Sent: Sunday, January 25, 2015 9:34 AM  
Subject: WTN GAS FIRED POWER STN - EPA - NO LICENCE APPLICATION

Farren,

I refer to para 1 of your article published in 23 Jan 2015 Wellington Times and para 1 of my letter to the Editor.

Please find for your information letter dated 8 Oct 2014 from EPA to myself. Please note para 3 "the EPA has not yet received an application for the EPL (Environmental Protection Licence)."

Nat





Received 10/10/14  
JB

Our reference: SF13/5118 ; DOC 14/41541  
Contact: Joshua Loxley, 02 68 835 330

Nat Barton  
"Nanima"  
Mudgee Road  
WELLINGTON NSW 2820

Dear Sir,

I refer to your email to the Environment Protection Authority (EPA) regarding the issuing of a Environment Protection Licence (EPL) for the Wellington Gas Fired Power Station MP06\_0315 (the project) on the 25 September 2014.

The EPA has provided submission to the Department of Planning and Environment (DPE) regarding the noise impacts of the proposed Project on a numerous.

The EPA notes consent has not yet been issued. The EAP has not yet received an application for the EPL and until the EPA has received an application including a valid development consent an assessment for an EPL cannot be undertaken. The EPA's assessment to issue a EPL will include taking into account conditions imposed by DPE and others factors under section 45 of the Protection of the Environment Operations Act 1997.

If you have any questions, or wish to discuss this matter further please contact Myself in the Dubbo EPA office by telephoning 02 6883 5330.

Yours sincerely,

8/10/14

Joshua Loxley  
A/Head Far West Operations  
Environment Protection Authority

## Richard Hammond

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Monday, 2 February 2015 11:43 AM  
**To:** mcudop  
**Subject:** FOR INFO ONLY : IM15/3151 : Further email from Mr Nat Barton 25/01/2015 - RE: Wellington Gas Fired Power Station.  
**Attachments:** Email\_Fw WELLINGTON GAS FIRED POWER STATION.html; IMG.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily those of the office of the Minister.

**E-mail Message**


---

**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC]  
**Cc:**  
**Sent:** 25/1/2015 at 10:30 AM  
**Received:** 25/1/2015 at 10:30 AM  
**Subject:** Fw: WELLINGTON GAS FIRED POWER STATION

---

**Attachments:** IMG.pdf  
Corro Action Sheet - For info.doc

---

Dear Minister Goward,

I have mistakenly copied the wrong page of the Wellington Times. I will send it separately.

Yours sincerely,

N Barton

----- Original Message -----

From: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
To: HYPERLINK "mailto:orange@parliament.nsw.gov.au"Andrew Gee  
Sent: Friday, January 23, 2015 12:28 PM  
Subject: WELLINGTON GAS FIRED POWER STATION

Dear Andrew,

Please see attached for your information ;

- (i) Story in Wellington Times dated 23 January 2015; and
- (ii) My Letter to the Editor in response.

Nat

**LINDA FRANCES RAINEY**

Beloved wife mother and nana  
on 19 Jan at 12.20 pm.

Passed away peacefully with  
husband David, son Laurence and  
Daughter Jeannette by her side

*Will be dearly missed,  
RIP and you will always be  
in our hearts.*

**POSITIONS VACANT****LAUGH LOVE LEARN**

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to start immediately.

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email [director@laughlovelearn.com.au](mailto:director@laughlovelearn.com.au)  
for further information.

**PUBLIC NOTICES****Wellington Amateur  
Theatrical Society AGM**

To be held at 7pm on  
Tuesday 24th February at WATS Place,  
31 Warne Street, Wellington.  
Enquiries to 6845-1773.

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# WELLINGTON times CLASSIFIEDS

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**on**

**Ph: (02) 6845 2755**



Peter Anderson, "Glenelg"  
has paid second top price  
(\$236 a head) at Narromine  
store sheep sale Wednesday  
for a pen of first cross ewes.

The Yeo family sold their  
annual drafts of surplus  
first cross ewes in two pens  
of 223 head with the first  
topping the sale at \$240 a  
head and the second at  
\$236. Pictured is auctioneer  
Tim Wiggins, Christie and  
Hood, Narromine, with ven-  
dors Peter Yeo and son

Thomas, "Burrgoen"  
Mendooran; James Litt,  
Kevin Miller Whitty  
Lennon, Forbes, represents  
the buyer of the top pen,  
Bruce Noble, "Karingah"  
Eugowra; while buyer of the  
second draft, Peter  
Anderson, "Glenelg", Suntop  
west of Wellington, is with  
his agent, Graham  
Anderson of Peter Milling  
and Company, Dubbo. Both  
buyers plan to join their  
ewes to poll Dorset rams.

## Rotary excited for markets

The guys are Rotary are  
very excited the markets are  
back tomorrow from 8.30am  
with a big breakfast and  
loads of stalls.

The event is expected to  
attract a big crowd and  
Binjang will broadcast live.

The community radio sta-  
tion will broadcast an All  
Australian breakfast pro-

gram before its live radio  
broadcast of events hosted  
by Councillor Mark Griggs  
and hosted in the studio by  
Mike Augée and Maree  
Hoffman.

When the awards ceremo-  
ny is complete Binjang will  
hold a fun concert for the  
crowd featuring local enter-  
tainers.

on

**Friday night**

Bowls Challenge at  
Wellington Bowling  
Club

**Saturday**

Rotary Markets  
8.30am

Home and Office  
Auction 10.30 -  
includes items for  
charity.

Seven A Side cricket -  
Pioneer Park

**Sunday**

Movie Night - Sunken  
Gardens featuring Red  
Dog.

**Monday**

Australia Day festivi-  
ties from 7.30am  
Cameron Park  
Binjang Birthday con-  
cert 11am

Lake Burrendong  
Australia Day bash  
from noon

Central Hotel - Ray  
Sampson and Pixie  
Jenkins

Wellington Hotel -  
Prawn and Yabbie  
Races

**Wednesday**

Gungie barbecue with  
Woolworths Friday  
10am to 2pm  
Form Thai Chi at  
Wellington Senior  
Citizens centre

**Friday 30**

Geurie Cup Calcutta  
Bowling Club

**Saturday 31**

Geurie Picnic Races  
Rifle Shoot

"Nanima",  
Wellington NSW 2820  
Ph: 02 68 451793  
Email: [nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

23 January 2015

The Editor,  
WELLINGTON TIMES,  
WELLINGTON NSW 2820  
Email: [farre.hotham@fairfaxmedia.com](mailto:farre.hotham@fairfaxmedia.com)

Dear Farren,

I refer to your article **Residents voice concerns over power station** published in the Wellington Times on 23 January 2015.

1. It is not true for the Department of Planning spokesman to say that ERM Power has obtained a licence for the proposed Power Station. To the best of my knowledge ERM has not applied to the EPA for a licence. Until such time that a formal licence application is made the EPA cannot assess the Project and do its own background noise assessments. I am advised by the EPA that this has not been done.
2. ERM Power does have a Project Approval for the proposed Power Station that lapsed on 4 March 2014.
3. Currently, ERM Power seeks a further five years to commence construction and the Department of Planning are currently assessing the merits of the proposed extension.
4. Neither the Minister for Planning nor the Department of Planning officers have met with the submitters opposing the Project. The Hon Andrew Gee MP is doing his best to organise a meeting in the near future.
5. No contact was made by Departmental officers during their recent visit with the closest affected neighbour to the site and no contact was made by Departmental officers with Mr Martin Sannikka (retired NATA authorised/credited signatory in Community Noise Assessment.). Mr Sannikka has recently retired to Wellington after working for over 40 years in the Noise Assessment field . He has lodged vigorous objections to the proposed Project since September 2014.
6. ERM Power made application for the extension of the Project Approval in March 2014 and to date no determination has been made – a total of 10 years of blight and stress to the affected residents.
7. There is no proof submitted by ERM Power that the proposed changes to the Project will make it substantially quieter ;
  - a. ERM proposes an increase of usage from **4% of the time to 40% of the time;**
  - b. ERM has never disclosed the sound power level of the source. If you do not the power level of the source how can it be known if it meets the requirements at Nanima House or any other affected residence.
  - c. The modelling provided with the application contains serious flaws in the penalties applied and in some cases all of the noise penalties are

not applied. Penalties for tonality, impulsiveness, intermittency, irregularity and dominant low frequency noise content should all be assessed. At best only one but more often ERM have applied no penalty. Nor have ERM applied temperature inversion, high voltage corona and transformer excitation voltage contributions. Had all of this been applied exceedances on all of the components would have substantially exceeded allowable levels under adverse conditions.

- d. The background Noise Levels used for modelling for Nanima and Wellington are on a par with noise levels surrounding Sydney Airport i.e. 35dB(A). The actual ERM Power measured background noise levels of 25dB(A) at Nanima House were never used or for that matter given to Wellington Council before they supported the Project.
- e. The lack of rigour and consultation by the Department of Planning in assessing and approving this Project is a disgrace. In my view the modelling provided by ERM is misleading and deceptive and the Department should have spotted the obvious flaws that have been identified by Mr Sannikka. This is after all what they are supposed to do – to protect the public interest. It is reprehensible to reward such conduct and not evaluate properly the submissions either in the Project Approval, Mod 1 or proposed Mod 2.

A similar proposal at Uranquinty (also built by a company ERM was a partner in – NewGen Power) resulted in 10 properties being acquired and severe building restrictions being applied to houses already built and a clause in the Modifications preventing the building of new residences within the impact zone. Wellington lies within that impact zone. If any prior noise agreement was entered into ERM has no obligation to do any further work not already agreed.

This proposed Project has cost Wellington jobs because the Noise Data is published data and no investor/developer will invest in the Nanima subdivision land where plans for an Aged Care/Motel have already been drawn. Some \$200,000.00 on plans has been wasted and the property is valueless. There were no bids at a Public Auction and no subsequent offers.

The Department considers it fair enough to continue to blight an historic property and town and has taken 0 steps to fix the problem. In my view this Project should never have been approved at this site – proposed Site 2 or Site 3 should be considered (if the Project is needed at all).

The original proposal was approved in the “States best interests” to provide peaking power for the supply of Sydney’s electricity needs for air conditioning on a handful of hot days in excess of 30 degrees Celsius. When it is hot in Sydney the temperature at Wellington is even hotter at times exceeding 40 degrees Celsius. The irony is that the Peaking Power Plant cannot be efficiently operated when the Peak Power is needed.. It would be in the States best interests to locate the Peaking Power Plant near the coast where the temperatures are cooler.

Yours sincerely,





## Rose Rocca

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Wednesday, 11 February 2015 4:44 PM  
**To:** mcudop  
**Subject:** (FOR INFO ONLY) : IM15/4132 : Email cc to the Minister from Mr Nat Barton  
04/02/2015 Re: Wellington Gas Fired Power Station - Mod 2.  
**Attachments:** Email\_Re WELLINGTON GAS FIRED POWER STN - MOD 2.html; image004.jpg;  
image003.jpg; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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**E-mail Message**


---

**From:** Nat Barton [SMTP: nba43079@bigpond.net.au]  
**To:** Karen Jones [SMTP: Karen.Jones@planning.nsw.gov.au]  
**Cc:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC], Andrew Gee [SMTP: orange@parliament.nsw.gov.au]  
**Sent:** 4/2/2015 at 10:04 AM  
**Received:** 4/2/2015 at 10:04 AM  
**Subject:** Re: WELLINGTON GAS FIRED POWER STN - MOD 2

---

**Attachments:** image004.jpg  
 image003.jpg  
 Corro Action Sheet - For info.doc

---

Dear M/s Jones,

You will recall that you did not have the Department's advice with you at the Meeting you attended yesterday with myself, Minister Goward, Hon Andrew Gee, Martin Sannikka, Matt Versi (Parliamentary Advisor), Elliot Hale (Senior Advisor).

You will recall that you stated as Director Infrastructure Projects, NSW Department of Planning that you were advised by the Department that they were satisfied that the proponents had complied with Condition 1.4 of the Project Approval and the Project Approval had not lapsed.

Could you please send me a copy of that advice within the next 7 days.

Many thanks,

N Barton  
 "Nanima",  
 Wellington  
 Ph: 02 68 451793  
 Email: HYPERLINK "mailto:nba43-079@bigpond.net.au"nba43-079@bigpond.net.au

----- Original Message -----

From: HYPERLINK "mailto:Karen.Jones@planning.nsw.gov.au"Karen Jones  
 To: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
 Sent: Wednesday, December 10, 2014 8:41 AM  
 Subject: RE: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear Mr Barton,

Thank-you for your continued interest in the Wellington Gas Fired Power Station.

The status of the application is that a decision is still pending. As you were previously advised, the Department will be in touch prior to a final decision being made.

Kind Regards,

Karen Jones

Karen Jones

Director Infrastructure Projects

Department of Planning and Environment

23-33 Bridge Street | Sydney NSW 2000

GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | karen.jones[HYPERLINK](#)  
"mailto:f@planning.nsw.gov.au"@planning.nsw.gov.au

IMAGE

From: Nat Barton [mailto:nba43079@bigpond.net.au]  
Sent: Monday, 8 December 2014 8:38 AM  
To: Karen Jones  
Cc: Pru Goward; Andrew Gee  
Subject: Re: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

I refer to the email correspondence below.

I note that a decision to modify the project is still pending and has been since March 2014 - some 9 months.

Could you please advise when the Department of Planning plans to make a final decision.

Yours sincerely,

N Barton

----- Original Message -----

From: [HYPERLINK "mailto:Karen.Jones@planning.nsw.gov.au"](#)Karen Jones

To: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton

Sent: Friday, September 12, 2014 8:37 PM

Subject: RE: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear Mr Barton,

Thank-you for your email. The issues you have raised below will be considered by the Department of Planning and Environment.

As previously discussed, I can advise that a decision on the application is still pending and that the Department will be in touch prior to a final decision being made.

Kind Regards,

Karen Jones

Karen Jones

Director Infrastructure Projects

Department of Planning and Environment

23-33 Bridge Street | Sydney NSW 2000

GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | karen.jonesHYPERLINK "mailto:f@planning.nsw.gov.au"@planning.nsw.gov.au

IMAGE

From: Nat Barton [mailto:nba43079@bigpond.net.au]

Sent: Thursday, 11 September 2014 12:38 PM

To: Karen Jones

Cc: Martin Sannikka; Pru Goward; Andrew Gee; Sarah Laurie

Subject: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

RE: WELLINGTON GAS FIRED POWER STN - MOD 2

I refer to our telephone conversation earlier today concerning the timeframe and decision maker re the proposed Modifications. You will appreciate that the Project has been on foot since 2005 and has caused and continues to cause untold damage to myself and others directly affected. Our property rights are lost, developers are gone and our properties are valueless and bankruptcy is a real possibility.

You will recall that you said that a decision was not imminent (ie not within the next two weeks) and that the proposal may be referred to the Planning Assessment Commission ("PAC") under the delegated authority of the Minister for Planning.

I submit that the proposal should not be referred to the PAC because as stated in previous correspondence to you from myself on 31 July 2014 & 27 August 2014, M/s Sarah Laurie, CEO of the Waubra Foundation on 6 August 2014 and Mr Martin Sannikka dated 2 September 2014 and emailed on 5 September 2014;-

(i) the PAC determined MOD 1 and could not have done a due diligence on the figures provided by the proponents because the ambient background noise levels (ie 25dB(A)) have not been used in any of their modelling (see my email dated 27 August 2014) ;

(ii) there is no plan for annoyance abatement for the town of Wellington or other affected residences ;

(iii) the figures provided to the PAC for MOD 1 by the proponents do not accurately reflect the noisiest component at the source ; and

(iv) the impact zone of the Project has not been accurately disclosed by the proponents.

It would appear to me that the PAC do not have the technical knowledge to evaluate the proposal and have not demonstrated that they have the expertise to properly examine conflicting advice

In my view this Project approval should be determined by the Minister for Planning and if necessary, after consultation with other Cabinet Ministers whose portfolios are very likely to be directly affected. The Project has been tainted by substantial Political Donations throughout the Planning process and Departmental officers full well knew of the unfolding debacle at Uranquinty (a similar proposal by the same company) when this Project was approved on 4 March 2009. Corrupt conduct is being rewarded.

The Department has relied on a 2010 paper by Dr Broner in their Recommendations, yet in 2012 Dr Broner has categorically said that Gas Fired Power Stations should not be built within 1.5 to 2km of rural residences.

The Minister and those who give her advice need to be held responsible for whatever decision is made and the advice which they give.

Yours sincerely,

Nat Barton

"Nanima",

7009 Goolma Rd.,

Wellington NSW 2820

Ph: 02 68 451 793

Email: HYPERLINK "mailto:nba43079@bigpond.net.au"nba43079@bigpond.net.au

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Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.  
You should scan any attached files for viruses.  
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## Rose Rocca

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Wednesday, 11 February 2015 12:26 PM  
**To:** mcudop  
**Subject:** (INFO ONLY) : IM15/4029 : Email from Mr Nat Barton 04/02/2015 - Re: Wellington Gas Fired Power Station Mod 2.  
**Attachments:** Email\_Fw WELLINGTON GAS FIRED POWER STN - MOD 2.html; image004.jpg; image003.jpg; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily those of the office of the Minister.

**E-mail Message**


---

**From:** [Nat Barton \[SMTP:nba43079@bigpond.net.au\]](mailto:Nat.Barton@bigpond.net.au)  
**To:** [Public Goward's Office Email \[EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC\]](#)  
**Cc:** [Andrew Gee \[SMTP:orange@parliament.nsw.gov.au\]](mailto:Andrew.Gee@parliament.nsw.gov.au)  
**Sent:** 4/2/2015 at 12:05 PM  
**Received:** 4/2/2015 at 12:05 PM  
**Subject:** Fw: WELLINGTON GAS FIRED POWER STN - MOD 2

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**Attachments:** image004.jpg  
 image003.jpg  
 Corro Action Sheet - For info.doc

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Dear Minister Goward,

Thank you for attending the meeting yesterday that was organised by Hon Andrew Gee MP and members of your Department and staff.

I will be most interested to receive the Departmental advice, promised to be sent to me by M/s Karen Jones, Director of Infrastructure Projects, that states that the proponents have complied with Condition 1.4 of the Project Approval and the reasons that the Department are satisfied that the Project Approval has not lapsed as stated by M/s Karen Jones at the meeting.

Apropos, the MOD 2 application. Whilst I acknowledge that MOD 2 may be a quieter option, it nevertheless appears to me to be still too noisy and is not in compliance with the Project Approval as stated at paragraph 14 in my Outline Submissions that were handed to you yesterday. Had the modelled figures being reasonably applied a 48dB(A) under adverse conditions, should have been stated. This is well in excess of the 40dB(A) stated in the Project Approval at Condition 2.10.

I would also like draw to your attention the significant increase in time that MOD 2 is proposed to be operated from 4% of the time in the Project Approval ( see 4.23.3 of the Submissions Report) to 40% of the time in MOD 2 (see Wellington Council Submission dated 20 March 2014).

You will appreciate that this Project has been on foot since 2005 for some 10 years and there appears to be no resolution in sight for the very parlous circumstances it has caused me. My property is blighted and valueless. It cannot be sold or developed unless the outstanding Power Station matters are resolved. The proponents will not resolve the outstanding matters, or for that matter even meet with me because there are no orders from the Department to do so. It seems clear to me that acquisition on fair and reasonable terms is the only alternative.

I would appreciate your involvement to resolve these most unacceptable long outstanding issues.

Please do not hesitate to contact me if you require any further information.

Many thanks,

Nat Barton  
 "Nanima", Wellington  
 Ph: 02 68 451 793  
 Email: [HYPERLINK "mailto:nba43079@bigpond.net.au"nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

----- Original Message -----

From: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
To: HYPERLINK "mailto:Karen.Jones@planning.nsw.gov.au"Karen Jones  
Cc: HYPERLINK "mailto:office@goward.minister.nsw.gov.au"Pru Goward ; HYPERLINK "mailto:orange@parliament.nsw.gov.au"Andrew Gee  
Sent: Wednesday, February 04, 2015 10:03 AM  
Subject: Re: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

You will recall that you did not have the Department's advice with you at the Meeting you attended yesterday with myself, Minister Goward, Hon Andrew Gee, Martin Sannikka, Matt Versi (Parliamentary Advisor), Elliot Hale (Senior Advisor).

You will recall that you stated as Director Infrastructure Projects, NSW Department of Planning that you were advised by the Department that they were satisfied that the proponents had complied with Condition 1.4 of the Project Approval and the Project Approval had not lapsed.

Could you please send me a copy of that advice within the next 7 days.

Many thanks,

N Barton  
"Nanima",  
Wellington  
Ph: 02 68 451793  
Email: HYPERLINK "mailto:nba43-079@bigpond.net.au"nba43-079@bigpond.net.au

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From: HYPERLINK "mailto:Karen.Jones@planning.nsw.gov.au"Karen Jones  
To: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
Sent: Wednesday, December 10, 2014 8:41 AM  
Subject: RE: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear Mr Barton,

Thank-you for your continued interest in the Wellington Gas Fired Power Station.

The status of the application is that a decision is still pending. As you were previously advised, the Department will be in touch prior to a final decision being made.

Kind Regards,

Karen Jones

Karen Jones

Director Infrastructure Projects

Department of Planning and Environment

23-33 Bridge Street | Sydney NSW 2000

GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | karen.jonesHYPERLINK  
"mailto:f@planning.nsw.gov.au"@planning.nsw.gov.au

IMAGE

From: Nat Barton [mailto:nba43079@bigpond.net.au]  
Sent: Monday, 8 December 2014 8:38 AM  
To: Karen Jones  
Cc: Pru Goward; Andrew Gee  
Subject: Re: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

I refer to the email correspondence below.

I note that a decision to modify the project is still pending and has been since March 2014 - some 9 months.

Could you please advise when the Department of Planning plans to make a final decision.

Yours sincerely,

N Barton

----- Original Message -----

From: HYPERLINK "mailto:Karen.Jones@planning.nsw.gov.au"Karen Jones  
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Sent: Friday, September 12, 2014 8:37 PM  
Subject: RE: WELLINGTON GAS FIRED POWER STN - MOD 2

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As previously discussed, I can advise that a decision on the application is still pending and that the Department will be in touch prior to a final decision being made.

Kind Regards,

Karen Jones

Karen Jones

Director Infrastructure Projects

Department of Planning and Environment

23-33 Bridge Street | Sydney NSW 2000

GPO Box 39 | Sydney NSW 2001 | T 02 9228 6150 | karen.jonesHYPERLINK  
"mailto:f@planning.nsw.gov.au"@planning.nsw.gov.au

IMAGE

From: Nat Barton [mailto:nba43079@bigpond.net.au]  
Sent: Thursday, 11 September 2014 12:38 PM  
To: Karen Jones  
Cc: Martin Sannikka; Pru Goward; Andrew Gee; Sarah Laurie  
Subject: WELLINGTON GAS FIRED POWER STN - MOD 2

Dear M/s Jones,

RE: WELLINGTON GAS FIRED POWER STN - MOD 2

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decision maker re the proposed Modifications. You will appreciate that the Project has been on foot since 2005 and has caused and continues to cause untold damage to myself and others directly affected. Our property rights are lost, developers are gone and our properties are valueless and bankruptcy is a real possibility.

You will recall that you said that a decision was not imminent (ie not within the next two weeks) and that the proposal may be referred to the Planning Assessment Commission ("PAC") under the delegated authority of the Minister for Planning.

I submit that the proposal should not be referred to the PAC because as stated in previous correspondence to you from myself on 31 July 2014 & 27 August 2014, M/s Sarah Laurie, CEO of the Waubra Foundation on 6 August 2014 and Mr Martin Sannikka dated 2 September 2014 and emailed on 5 September 2014;-

(i) the PAC determined MOD 1 and could not have done a due diligence on the figures provided by the proponents because the ambient background noise levels (ie 25dB(A)) have not been used in any of their modelling (see my email dated 27 August 2014) ;

(ii) there is no plan for annoyance abatement for the town of Wellington or other affected residences ;

(iii) the figures provided to the PAC for MOD 1 by the proponents do not accurately reflect the noisiest component at the source ; and

(iv) the impact zone of the Project has not been accurately disclosed by the proponents.

It would appear to me that the PAC do not have the technical knowledge to evaluate the proposal and have not demonstrated that they have the expertise to properly examine conflicting advice

In my view this Project approval should be determined by the Minister for Planning and if necessary, after consultation with other Cabinet Ministers whose portfolios are very likely to be directly affected. The Project has been tainted by substantial Political Donations throughout the Planning process and Departmental officers full well knew of the unfolding debacle at Uranquinty (a similar proposal by the same company) when this Project was approved on 4 March 2009. Corrupt conduct is being rewarded.

The Department has relied on a 2010 paper by Dr Broner in their Recommendations, yet in 2012 Dr Broner has categorically said that Gas Fired Power Stations should not be built within 1.5 to 2km of rural residences.



The Minister and those who give her advice need to be held responsible for whatever decision is made and the advice which they give.

Yours sincerely,

Nat Barton

"Nanima",

7009 Goolma Rd.,

Wellington NSW 2820

Ph: 02 68 451 793

Email: HYPERLINK "mailto:nba43079@bigpond.net.au"nba43079@bigpond.net.au

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## Paul Ellison

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Monday, 16 February 2015 12:14 PM  
**To:** mcudop  
**Subject:** (FOR INFO ONLY) : IM15/4441 : Email cc to the Minister from Mr Nat Barton  
27/08/2014 - Re: WELLINGTON GAS FIRED POWER STATION MP06\_0315 MOD 2  
**Attachments:** Email\_WELLINGTON GAS FIRED POWER STATION MP06\_0315 MOD 2.html;  
IMG.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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**E-mail Message**

---

**From:** Nat Barton [SMTP: nba43079@bigpond.net.au]  
**To:** karen jones [SMTP: karen.jones@planning.nsw.gov.au]  
**Cc:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC], Andrew Gee [SMTP: orange@parliament.nsw.gov.au], Dr Norm Broner [SMTP: nbroner@globalskm.com], Professor Wayne Smith [SMTP: Wayne.smith@doh.health.nsw.gov.au], Sarah Laurie [SMTP: sarah@waubrafoundation.org.au]  
**Sent:** 27/8/2014 at 3:38 PM  
**Received:** 27/8/2014 at 3:38 PM  
**Subject:** WELLINGTON GAS FIRED POWER STATION MP06\_0315 MOD 2

---

**Attachments:** IMG.pdf  
Corro Action Sheet - For info.doc

---

Dear M/s Jones,

Please see attached.

Yours sincerely,

Nat Barton

"Nanima",  
7009 Goolma Rd.,  
WELLINGTON NSW 2820  
Ph: 02 68 451793

Email: [nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

M/s Karen Jones  
Director, Infrastructure Projects,  
NSW Department of Planning & Infrastructure,  
SYDNEY NSW 2000  
Email: [karen.jones@planning.nsw.gov.au](mailto:karen.jones@planning.nsw.gov.au)

Dear M/s Jones,

**RE: WELLINGTON GAS FIRED POWER STATION PROJECT – MP06\_0315  
MOD 2**

I refer to the Recommendations by M/s Diane Sarkies published on the Dept of Planning website.

Please see attached Ambient Noise Level Monitoring Results dated 13 June 2007 for Nanima House that resulted in the background noise being reported at **25dB(A)L90**. Why wasn't the actual measured value used as the reference background ?

I note that noise annoyance is determined by its character and its exceedance over the background.

As you are aware the Project was approved by the Minister for Planning on 4 March 2009 full well knowing that Nanima House had predicted noise levels of **43dB(A)**, an excess **18dB(A)** (see Table 4.1 of Section 4.23.2 of the Submissions Report dated September 2008.)

In Table 1 of Attachment B -Summary of Assessment for **MOD 1**, the modified predicted value without the 5dB(A) low frequency penalty with 4 x 155MW Turbines (the Noisier alternative) there is no listing of Nanima House but it could be assumed that the reading would have been **41dB(A)** given that Mount Nanima increased by 4dB(A) and Keston Rose Garden Café increased by 2dB(A). With 2 x 255MW Turbines the noise level is predicted as **38dB(A)** at Nanima House.

In Table 1 of MOD 2 the Maximum Allowable Noise Contribution is **35dB(A)**, however the proponents say that they have identified **34.5dB(A)** is achievable, as a plus 5dB(A) is not needed. No justification for this statement is disclosed.

**I am confused as to why the predicted noise values at Nanima House have been reduced from 43 to 41 to 38 to 34.5dB(A) over the course of the Project Approval despite no published data supporting the assertions.**

In the same Summary of Assessment for MOD 1 it states that *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 exceedance with the two turbine proposal would have been 18dB(A) with the penalty being applied. Without the penalty it was 13dB(A) as stated in Table 1. With the four turbines it would have been 16 dB(A) without the penalty and 21dB(A) with the penalty.

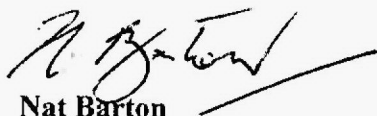
As you are aware the EPA would not usually licence to noise levels more than 5dB(A) above the background and have not supported approval of these current modifications

The Noise Data is published data and as such has had a profound adverse affect on the property to the extent that is now blighted and valueless as a consequence of the Project Approval. The Department has chosen to ignore this fundamental reality and also the likely adverse affect on the residences in the town of Wellington, Bindawalla Hospital, Maranarthur Aged Care Facility , Wellington High School and Wellington Correctional Facility.

I would draw your attention to the judgment handed down in the Court of Appeal – *Bulga Milbroodale Progress Association vi Minister for Planning & Infrastructure and Warkworth Mining Ltd [2013] NSWLEC 48* and in particular paras 336-338.

The Project Approval has lapsed and as such MOD 2 should not be approved as it exceeds the measured background noise so substantially. It is not “now within the maximum allowable noise contribution limit, thereby demonstrating that the Proponent has worked towards a resolution of the issue.”

Yours sincerely,



Nat Barton

Cc Hon Pru Goward MP, Minister for Planning,  
Hon Andrew Gee MP, Mewmber for Orange,  
Dr Norm Broner,  
Professor Wayne Smith  
M/s Sarah Laurie BMBS (Flinders), CEO Waubra Foundation  
Mr Alan Jones, 2GB Radio

164 Received 18/6/07 [Signature]

Parsons  
Brinckerhoff  
Australia  
Pty Limited

Level 27, Ernst & Young Centre  
680 George Street  
Sydney NSW 2000  
Australia  
Telephone +61 2 9272 5100  
Facsimile +61 2 9272 5101  
Email sydney@pb.com.au

ABN 80 078 004 798  
NCSI Certified Quality System ISO 9001

Our reference: 2116720A/LT\_5991/PG/ra

13 June 2007

Nat Barton  
'Nanima'  
Mudgee Road  
Wellington NSW 2820

Dear Nat

## Wellington Power Station – ambient noise level monitoring results

As you will be aware, ERM Power has engaged Parsons Brinckerhoff (PB) to undertake the environmental assessment, including community and stakeholder consultation, for the proposed Wellington Power Station project. On behalf of ERM Power we would like to thank you for allowing PB to place a noise logger on your property. The purpose of the 10 day monitoring program was to determine the existing noise environment within the area (the ambient noise level), as a first step in determining the noise impact of the proposed project.

The ambient noise levels at your property were measured and are provided below:

Attended monitoring:	8:12 am	$L_{A90} = 35 \text{ dB(A)}$
Unattended monitoring:	7:00 am – 6:00 pm	$L_{A90} = 30 \text{ dB(A)}$
	6:00 pm – 10:00 pm	$L_{A90} = 26 \text{ dB(A)}$
	10:00 pm – 7:00 am	$L_{A90} = 25 \text{ dB(A)}$

$L_{A90}$  refers to the noise level present for 90% of the time (the background level).

These background levels will be used to determine the appropriate noise limits permissible for the project in accordance with the Environment Protection Authority (now the Department of Environment and Climate Change) Industrial Noise Policy.

PB and ERM Power appreciate your cooperation during the initial phases of this project. Please also find enclosed a copy of the latest newsletter. This newsletter provides details of the project, the planning and approval process, the current status of the project and contact details if you wish to provide comments on the project or request further information. ERM Power wants to ensure that community comment is considered during the environmental assessment. Your ongoing involvement and feedback during the project is important.

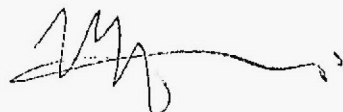
Once again, thank you for your cooperation.



165

If you have any enquiries regarding the project, please don't hesitate to contact Paul Greenhalgh, the PB project manager (02 9272 5663) or Mary Diab, PB community consultation team leader (02 9272 5360).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paul Greenhalgh', with a long horizontal flourish extending to the right.

Paul Greenhalgh

Principal Environmental Planner  
Parsons Brinckerhoff Australia Pty Limited

Encl. June 2007 Newsletter

## Richard Hammond

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Thursday, 19 February 2015 3:40 PM  
**To:** mcudop  
**Subject:** FOR INFO ONLY : IM15/5020 : Email cc the Minister from Mr Nat Barton 13/02/2015  
- Re: Wellington Gas Fired Power Station.  
**Attachments:** Email\_WELLINGTON GAS FIRED POWER STN.html; IMG\_0001.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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**E-mail Message**


---

**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** karen jones [SMTP:karen.jones@planning.nsw.gov.au]  
**Cc:** Andrew Gee [SMTP:orange@parliament.nsw.gov.au], Public Goward's Office Email  
 [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP  
 (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-  
 000000059ADC]  
**Sent:** 13/2/2015 at 9:57 AM  
**Received:** 13/2/2015 at 9:57 AM  
**Subject:** WELLINGTON GAS FIRED POWER STN

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**Attachments:** IMG\_0001.pdf  
 Corro Action Sheet - For info.doc

---

Dear Karen,

RE: WELLINGTON GAS FIRED POWER STN - MOD 2 - MP06\_0315

Please find attached articles published in the Wellington Times;

- (i) Residents voice concerns over power station - published 23 January 2015;
- (ii) Uncertainty on peak power plan perplexing - published on 30 January 2015;
- (iii) Peak power plant explained - Modified plant will be quieter - published on 6 February 2015; and
- (iv) Questions need to be asked about increase in running time. - published on 13 February 2015.

Whilst I understand your concerns about approving MOD 2, I find it perplexing that the Department of Planning should initiate public discussion in the manner in which it has. Nevertheless, I am prepared to answer your statements publicly. Hopefully you will read the responses as further submissions opposing MOD 2.

I look forward to receiving in the very near future your evidence stated at the meeting with Hon Pru Goward that MOD 1 has not lapsed and the Department is satisfied that physical construction has commenced in accordance with Project Approval Condition 1.4.

You will recall I have submitted GIPAA form at your request.

Yours sincerely,

Nat Barton  
 "Nanima",  
 WELLINGTON NSW 2820  
 Ph: 02 68 451 793  
 Email:nba43079@bigpond.net.au

## Residents voice concerns over power station

A spokesperson for the NSW Department for Planning and Environment says people who have made submissions in relation to the extension of ERM Power's licence to run a gas-fired power station in Wellington have been spoken to.

"Site visits have already been completed. Further submissions, which were made when the department published its recommendation online are now being considered. A final decision on the modification proposal will be made

shortly.

ERM Power is wanting a five-year extension until 2019 and told the *Times* the NSW Department of Planning was reviewing its application to extend development approval for the project.

"In order to provide for quieter operation, the application includes modification of the plant configuration which will also result in higher efficiency and lower emissions," an ERM Power spokesperson said.

"It is worth noting that as a low-emis-

sion, gas-fired peaking power station, Wellington would be expected to operate only occasionally, unlike base load power stations that operate continuously.

A local expert in noise testing has revealed major concerns about Wellington's Gas Fired Power station licence extension.

Martin Sannika who lives on a property not far from the site where ERM Power's project would be situated has placed doubts on the testing of noise levels.

# Uncertainty on peak power plan perplexing

Dear Editor.

I refer to your article 'Residents voice concerns over power station' published in the *Wellington Times* on January 23 2015.

It is not true for the Department of Planning spokesman to say that ERM Power has obtained a licence for the proposed power station.

To the best of my knowledge ERM has not applied to the EPA for a licence.

Until such time that a formal licence application is made the EPA cannot assess the project and do its own background noise assessments.

I am advised by the EPA that this has not been done.

ERM Power does have a project approval for the proposed power station that lapsed on March 4 2014.

Currently, ERM Power seeks a further five years to commence construction and the Department of Planning is currently assessing the merits of the proposed extension.

Neither the Minister for Planning nor the Department of Planning officers have met with the submitters opposing the project.

The Hon Andrew Gee MP is doing his best to organise a meeting in the near future.

No contact was made by departmental officers during their recent visit with the closest-affected neighbour to the site and no contact was made by departmental officers with Mr Martin Sannikka (retired NATA authorised/credited signatory in Community Noise Assessment).

Mr Sannikka has recently retired to Wellington after working for more than 40 years in the noise assessment field.

He has lodged vigorous objections to the proposed project since September 2014.

ERM Power made application for the extension of the project approval in March 2014 and to date no determination has been made - a total of 10 years of blight and stress to the affected residents.

□ There is no proof submitted by ERM Power that the proposed changes to the project will make it substantially quieter;

□ ERM proposes an increase of usage from 4 per cent of the time to 40 per cent of the time;

□ ERM has never disclosed the sound power level of the source.



If you do not know the power level of the source how can it be known if it meets the requirements at Nanima House or any other affected residence.

The modelling provided with the application contains serious flaws in the penalties applied and in some cases all of the noise penalties are not applied.

Penalties for tonality, impulsiveness, intermittency, irregularity and dominant low frequency noise content should all be assessed.

At best only one but more often ERM have applied no penalty. Nor have ERM applied temperature inversion, high voltage corona and transformer excitation voltage contributions.

Had all of this been applied exceedances on all of the components would have substantially exceeded allowable levels under adverse conditions.

The background noise levels used for modelling for Nanima and Wellington are on a par with noise

levels surrounding Sydney Airport i.e. 35dB(A).

The actual ERM Power measured background noise levels of 25dB(A) at Nanima House were never used or for that matter given to Wellington Council before they supported the project.

The lack of rigour and consultation by the Department of Planning in assessing and approving this project is a disgrace.

In my view the modelling provided by ERM is misleading and deceptive and the department should have spotted the obvious flaws that have been identified by Mr Sannikka.

This is after all what they are supposed to do - to protect the public interest.

It is reprehensible to reward such conduct and not evaluate properly the submissions either in the project approval, mod 1 or proposed mod 2.

A similar proposal at Uranquinty (also built by a company ERM was a partner in - NewGen Power) resulted in 10 properties being acquired and severe building restrictions being applied to houses already built and a clause in the modifications preventing the building of new residences within the impact zone.

Wellington lies within that impact zone.

If any prior noise agreement was entered into ERM has no obligation to do any further work not already agreed.

This proposed project has cost Wellington jobs because the noise data is published data and no investor/developer will invest in the Nanima subdivision land where plans for an Aged Care/Motel have already been drawn.

Some \$200,000 on plans has been wasted and the property is valueless.

There were no bids at a public auction and no subsequent offers.

The department considers it fair enough to continue to blight an historic property and town, and has taken no steps to fix the problem.

In my view this project should never have been approved at this site - proposed site 2 or site 3 should be considered (if the project is needed at all).

The original proposal was approved in the "state's best interests" to provide peaking power for the supply of Sydney's electricity needs for airconditioning on a handful of hot days in excess of 30 degrees Celsius.

When it is hot in Sydney the temperature at Wellington is even hotter, at times exceeding 40 degrees Celsius.

The irony is that the peaking power plant cannot be efficiently operated when the peak power is needed.

It would be in the state's best interests to locate the peaking power plant near the coast where the temperatures are cooler.

Nat Barton

# Peak power plant explained

Dear Editor,

I refer to the letter from Mr Nat Barton published on January 30 2015 and titled "Uncertainty on peak power plan perplexing".

ERM Power appreciates this opportunity to respond to the matters raised in the letter.

ERM Power is an ASX-listed and regulated company that has secured a parcel of land approximately two kilometres outside Wellington and obtained development approval to build a peaking power station. Unlike base load power



stations, peaking power stations only operate intermittently and more typically on hot days when demand for electricity is higher than expected.

During the past few years electricity demand has declined

markedly and so we have delayed the construction of the power station.

However, we believe that over the longer-term, the requirement for the power station remains and therefore the development approval needs to be maintained.

Since the original development approval was granted, we have sought to modify it to improve the design and configuration of the project and also to extend the duration of the development approval.

continued page 6

## Modified plant will be quieter

from page 3

The proposed modification would reduce the scope of the project to two turbines rather than four, making it quieter and more efficient and materially reducing carbon emissions.

The request for modification continues to be reviewed by the Department of Planning.

Mr Barton raises the issue of noise and the impact of the development on his property.

We undertook and provided an assessment of the noise impact, conducted by an independent noise consultant, as part of its development approval and its modification submission.

These independently prepared noise assessments have been critically assessed against objective criteria.

The development approval prescribes

that we take mitigation measures, to be agreed with Mr Barton, to reduce the impact of noise at his property if the noise criteria are exceeded after operations commence.

Furthermore, Mr Barton can require ERM Power to purchase the property at market value and pay all relevant costs of that transaction within five years of operations commencing.

Ultimately, we intend to build a valuable addition to the Wellington community and economy when the electricity market requires it.

It is also the case that we are committed to conducting our operations in all areas in which we operate power stations in a manner that is respectful and fair to the community, and this includes Wellington.

**Derek McKay**  
CEO - Generation, ERM Power

# Questions need to be asked about increase in running time

Dear Editor,  
RE: Proposed Wellington gas-fired power station.

I refer to the Letter to Editor by Derek McKay, CEO - Generation, ERM Power that was published on February 6 2015 and titled 'Peak Power Plant explained - Modified Plant will be quieter'. The letter was written in response to my Letter to the Editor dated January 30 2015 titled 'Uncertainty on Peak Power Plan perplexing'.

I note that ERM Power chooses not to respond to any of the substantive matters raised in my letter.

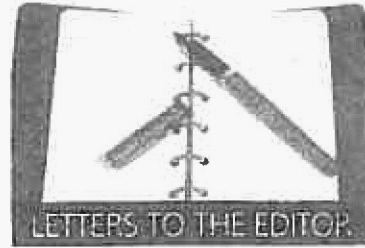
I agree that ERM Power is an ASX listed company and is subject to disclosure regulations. I note that in statements to the ASX, ERM has stated that it "mopped up the minority interest of the Oakey Power Station and will repay the operations debt" in December 2013.

On April 24 2014, ERM announced that it had signed a three-year electricity sales contract with the NSW government and extended a four-year contract with the Australian government by 12 months.

It would appear to me that is why ERM now want to run the power station for 40 per cent longer than what was proposed in the Project Approval and MOD1.

In the earlier proposals ERM was only proposing 4 per cent of the time. It seems inevitable that the next we hear will be that it is now a fully-operating Base Load Station running 100 per cent of the time.

On August 21, 2014 ERM announced that CEO and MD,



Philip St Baker had advised the board of his intention to step down after the AGM on October 30, 2014.

On August 25, 2014 ERM Power reports net loss of \$23.9m for the year to June 30, 2014.

In July 2011, NSW general manager ERM Power Andy Pittlik told the APIA dinner that an unprecedented level of investment is forecast for gas-power generation during the next 10 to 15 years in Australia.

Yet in 2014 the ERM Submissions for MOD 2 state that there has been a sustained reduction in the demand for electricity.

Why then, is such a dramatic increase from 4 to 40 per cent sought at Wellington when electricity demand is reducing?

To the best of my knowledge and belief ERM have not purchased a parcel of land 2km east of Wellington.

It is my understanding that they have signed an Option Deed to purchase some land. They can of course pull out of the Option Deed at any time.

Professor Broner, a member of the NHMRC's expert panel on Wind Farms and Human Health Reference Group, published a well-researched scientific paper in 2012, titled Power to the

People.

Professor Broner concluded that Open Cycle Gas Turbine (OCGT) power plants should be sited so that they are at least 1.5 to 2km away from the nearest residential premises.

Almost all of Wellington is located within 2km of the proposed Power Station.

At no time has ERM Power made available to the public full spectrum noise measurements, comprising all the frequencies including infrasound and low frequency noise.

ERM has not disclosed in any of their models the total sound power level at the source of three different turbines - 150MW, 225MW and 255MW.

If you do not know the source you cannot determine how noise levels will be at the receivers further away.

Infrasound is only audible at very high levels (dB) but it can be damaging to the human body at levels well below audibility.

It can travel for kilometres and have much worse impacts in quiet country environments. Infrasound frequencies will resonate within the jail cells. Infrasound frequencies will penetrate well into insulated building structures including double glazed homes in the town of Wellington with ease.

Given the appalling impact of the ERM's OCGT power plant at Uranquinty where 10 properties were acquired and abandoned, it appears not unreasonable that ERM disclose this information to the people of Wellington now. Are the mistakes at Uranquinty to be repeated all over again here at Wellington?

The Noise Barrier Investigation submitted to me is inadequate - the modelled wall is not long or high enough.

Further, ERM promised to protect the horses from the impact of sudden or loud noises by building an additional barrier in the form of a timber wall.

It implies that the character penalty of 5dB(A) for impulsiveness should be included in addition to the low frequency penalty making the total penalty 10dB(A).

This has not been done in either of the models for MOD 1 or MOD 2 nor has any construction/design work commenced. It would seem senseless to build this wall after the power station is up and running as construction noise is significantly louder than operating noise. The horses are nearer to the source.

Further, ERM chooses to ignore totally the impact on my Australian stock horses. Horses are much more sensitive to both high and low frequencies than are humans and that is why they are easily spooked.

Horses can detect very low frequencies through their hooves and very high frequencies through their ears. You will note that many top race horses wear ear muffs even at the Melbourne Cup.

Indeed Drayton Coal's application to commence mining in the Hunter Valley near well-known thoroughbred horse studs was rejected by the PAC for these and other reasons.

As ERM says, acquisition is after the project is up and running - not before. No unconditional offer has been made by

ERM to acquire the property since the project was approved.

They failed to bid at the public auction, they took more than 18 months to respond to my offer to acquire on fair and reasonable terms, and they now refuse to meet with me.

This is hardly the conduct of a company that treats the most affected members of the Wellington community with fairness and respect.

This project has been a foot for 10 years. No one knows where the gas will come from and no one knows when the project will physically commence.

We have heard before that it will be up and running between December 2008 and March 2009. As each deadline passes the project gets further and further away.

Condition 1.4 should be enforced - the project has lapsed. No physical work has commenced and no noise abatement structures are in place. No site surveys are available and no independent pre-construction studies are available such as hazard, fire and traffic reports.

How can it be concluded by ERM's CEO Generation Derek McKay, "that ERM is committed to conducting their operations in all areas where they operate gas-fired power stations in a manner that is respectful and fair to the community"?

All I have knowledge of are gag agreements, court proceedings and noise levels that exceed the allowable limits and that cause sustained and horrific health problems to people and horses.

Nat Barton



## Rose Rocca

---

**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Wednesday, 4 March 2015 10:53 AM  
**To:** mcudop  
**Subject:** FOR INFO ONLY: IM15/6349 : Email cc to the Minister from Mr Nat Barton 23/02/2015 - Re: Wellington Gas Fired Power Station.  
**Attachments:** Email\_WELLINGTON GAS FIRED POWER STN.html; MP 06\_0315.pdf; Corro Action Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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**E-mail Message**


---

**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** karen jones [SMTP:karen.jones@planning.nsw.gov.au]  
**Cc:** Public Goward's Office Email [EX/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC], Andrew Gee [SMTP:orange@parliament.nsw.gov.au], Martin Sannikka [SMTP:martinsannikka@bigpond.com]  
**Sent:** 23/2/2015 at 3:19 PM  
**Received:** 23/2/2015 at 3:19 PM  
**Subject:** WELLINGTON GAS FIRED POWER STN

---

**Attachments:** MP 06\_0315.pdf  
 Corro Action Sheet - For info.doc

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Dear Karen,

RE: WELLINGTON GAS FIRED POWER STATION - LAPSING OF MOD 1

You will recall that you stated at the meeting with Hon Pru Goward and others on 3 February 2015 that the Department of Planning was satisfied that "substantial commencement" had occurred and the Project Approval had not lapsed. You agreed to send me a copy of the Department's advice and I completed a GIPAA form so that you may do so. To date I have not received a copy of the Department's advice that you promised to send.

Martin Sannikka and I have inspected the MP06\_0315 site again today and attach a photo of the site. You will note that there is no sign of any physical commencement.

I can only assume that your failure to produce the Department's advice in a reasonable time and repeated requests, can only mean that it does not exist and I note that it is something that you should have had in your possession at the meeting with the Minister on 3 February 2015.

Should my assumption be incorrect, could you please copy me the Department's advice by return email.

Yours sincerely,

N Barton  
 "Nanima",  
 Wellington NSW 2820  
 Ph:02 68 451793  
 Email:nba43079@bigpond.net.au

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## Richard Hammond

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**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Monday, 16 March 2015 10:49 AM  
**To:** mcudop  
**Subject:** FOR INFO ONLY : IM15/7648 : Email cc to the Minister from Mr Nat Barton  
27/02/2015 - Re: Wellington Gas Fired Power Station.  
**Attachments:** Email\_Re WELLINGTON GAS FIRED POWER STN.html; image001.jpg; Corro Action  
Sheet - For info.doc

Hello,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 8574 5900  
Fax: 02 9339 5520

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**E-mail Message**


---

**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Karen Jones [SMTP:Karen.Jones@planning.nsw.gov.au]  
**Cc:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC], Andrew Gee [SMTP:orange@parliament.nsw.gov.au], Troy Grant [SMTP:dubbo@parliament.nsw.gov.au]  
**Sent:** 27/2/2015 at 8:49 AM  
**Received:** 27/2/2015 at 8:49 AM  
**Subject:** Re: WELLINGTON GAS FIRED POWER STN

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**Attachments:** image001.jpg  
Corro Action Sheet - For info.doc

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Dear Karen,

Peter Carter, Chairman of the NSW Farmers Association Wellington Branch, rang me last night and informed me that he had spoken to Rod Buhr, Mayor of Wellington. According to Peter, Rod Buhr had spoken to the Department of Planning and he was advised that the Department was poised to announce that MOD 2 would be approved.

Peter Carter advised Rod Buhr that he would call a public meeting at the earliest opportunity (i.e. within the next two weeks) at the Wellington RSL Club Auditorium and that he would invite yourself as Director of Infrastructure Projects &/or any other nominated representative of the Minister for Planning, representatives from ERM Power and Troy Grant to address the meeting as well as others. The purpose of the meeting is to give Wellington residents an opportunity to express their opposition/support for the proposed Gas Fired Power Station. The NSW Farmers will pay for the meeting.

I would be most grateful if you could attend the public meeting and delay making any announcement until after it. With due respect, I do not believe residents of Wellington have been given an opportunity to express their views after hearing the arguments for and against the Project.

Yours sincerely,

Nat Barton

----- Original Message -----

From: HYPERLINK "mailto:Karen.Jones@planning.nsw.gov.au"Karen Jones  
To: HYPERLINK "mailto:nba43079@bigpond.net.au"Nat Barton  
Sent: Thursday, February 26, 2015 3:54 PM  
Subject: RE: WELLINGTON GAS FIRED POWER STN

Nat,

My apologise for the delay.

I have followed the progress of your GIPPA and my understanding is that it being processed. I will follow it up again tomorrow and let you know.

Kind Regards,

Yours sincerely,

N Barton

"Nanima",

Wellington NSW 2820

Ph:02 68 451793

Email:nba43079@bigpond.net.au

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**Sarah Ward**

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**From:** Public Hazzard's Office Email  
**Sent:** Thursday, 22 May 2014 11:31 AM  
**To:** Nat Barton  
**Cc:** Public Goward's Office Email  
**Subject:** RE: MOD 2 - MP 06\_0315 - WELLINGTON GAS FIRED POWER STATION

Dear Ms Barton,

Thank you for your recent correspondence to the office of the Attorney General and Minister for Justice, the Hon Brad Hazzard MP.

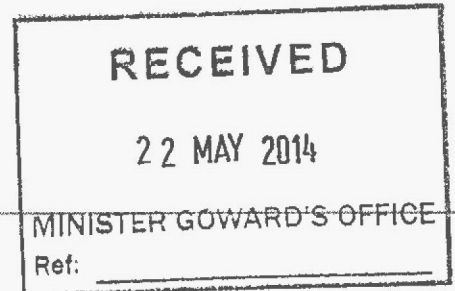
The matters raised do not fall under the portfolio responsibility of the NSW Attorney General and Minister for Justice.

We have forwarded your correspondence to the Hon. Ms. Pru Goward, Minister for Planning.

I trust your correspondence will receive attention as soon as possible.

Kind regards

Office of the Attorney General and Minister for Justice



---

**From:** Nat Barton [mailto:nba43079@bigpond.net.au]  
**Sent:** Monday, 19 May 2014 10:27 AM  
**To:** Public Hazzard's Office Email  
**Cc:** Andrew Gee  
**Subject:** Fw: MOD 2 - MP 06\_0315 - WELLINGTON GAS FIRED POWER STATION

Dear Minister Hazzard,

Please see attached.

Yours sincerely,

N Barton

----- Original Message -----

**From:** Nat Barton  
**To:** Diane Sarkies  
**Sent:** Monday, May 19, 2014 10:23 AM  
**Subject:** MOD 2 - MP 06\_0315 - WELLINGTON GAS FIRED POWER STATION

Dear M/s Sarkies,

I refer to my submissions and the attached article in the Sydney Morning Herald that was published on 15 May 2014.

The article alleges close links to ERM Power, the proponents of the Wellington Gas Fired Power Station Project, and the Obeid family.

If the information published in this article is correct and the fact that the EPA says the Project should not be licensed serious questions should be asked as to how the Project was approved in the first place.

Further, there are real questions as to whether or not ERM Power are fit and proper persons to do this development and the independence and objectivity of Wellington Council.



**Linda Krausz** | Infrastructure Delivery Officer  
Engineering



p (02) 6670 2729 | f (02) 6670 2429 | e [lindak@tweed.nsw.gov.au](mailto:lindak@tweed.nsw.gov.au) | w [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)  
Civic and Cultural Centre Tumbulgum Road Murwillumbah NSW 2484 | PO Box 816 Murwillumbah NSW 2484

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## Richard Hammond

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**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Wednesday, 30 July 2014 4:26 PM  
**To:** mcudop  
**Subject:** Deputy Secretary/ Urgent : IM14/22466 : Email from Mr Nat Barton 26/07/2014 - URGENT MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION. - Refers to original request sent on the 19th May.  
**Attachments:** Email\_URGENT MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION.html; Corro Action Sheet - DDG.doc

Good Afternoon,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

---

Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 9228 5413  
Fax: 02 9228 5501

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**E-mail Message**


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**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC]  
**Cc:** Andrew Gee [SMTP:orange@parliament.nsw.gov.au]  
**Sent:** 26/7/2014 at 12:07 PM  
**Received:** 26/7/2014 at 12:07 PM  
**Subject:** URGENT MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION

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**Attachments:** Corro Action Sheet - DDG.doc

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Dear Minister Goward,

RE: MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION

I refer to previous correspondence in this matter that was copied to you on 19 May 2014 and to which I have not received a reply.

You will recall that I sent you a copy of my Affidavit dated 7 April 2014 in SCNSW Matter 2013/218863 and a copy of the SMH article - Metgasco Project referred to ICAC because of links to Obeid family. The article went on to document the close relationship between ERM Power's Managing Director, Tony Bellas and members of the Obeid family. ERM Power are major shareholders in Metgasco. In my mind the article raises real questions as to whether or not ERM Power Ltd are fit and proper persons to do this development at Wellington.

As you will be aware ERM Power Ltd has applied for an extension of the lapse date for the Project for a further 5 years as construction has not commenced and also to commit to building only 2 stacks.

The proposed modifications admit in Table 1 of the Parsons Brinkerhoff Memo dated 20 December 2013 that my property, Nanima that is within 700m of the Project, is non compliant with NSW Industrial Noise Policy and despite statements in the Submissions Report attached to the Environmental Assessment dated September 2008 at 4.23 .4 that a Statement of Heritage Impact would be done and in the Statement of Commitments (N12) that a negotiated agreement would be entered into, none of these things have occurred despite my best efforts. ERM Power submit that they have acted in accordance with the Project Approval.

I note that the Environmental Protection Agency ("EPA") says in their submissions dated 2 April 2014 that "the EPA would not normally licence to noise levels more than 5dB above the Project Specific Noise Levels (PSNL)". Further, " the EPA has considered the details provided by ERM Power Ltd on 24 February 2014 and as indicated in the Environmental Assessment the project is likely to generate residual noise impacts above the PSNL.

Wellington Council in their submissions dated 20 March 2014 say "Council is supportive of the ERM Power request to use 2 x 4000F gas fired turbines subject to conditions being met requiring noise abatement strategies to reduce the impact on the occupants of Nanima House."

To date ERM Power have not commenced any detail design of any Noise Wall to reduce noise at any of the historic 3 buildings comprising Nanima House. ERM have not even agreed as to what the Noise Wall is to achieve nor on it's impact on the surrounding landscape including the town of Wellington.

The Project Approval in its present form creates a severe blight across my historic property to the extent that it is valueless. The uncertainty surrounding the Project has meant that my property is not saleable - there were no bids when it was put to Public Auction on 28 October 2011 and there have been no subsequent

offers.

On 18 July 2014 I spoke to Mr Neville Osborne, NSW Department of Planning who advised me that the Department had made a decision and it should be published early in the week beginning 21 July 2014.

Unfortunately, no decision has been published.

Could you please advise when you propose to publish a decision on the further Modifications to this Project.

Your early attendance to this matter would be greatly appreciated.

Yours sincerely,

N Barton  
"Nanima",  
7009 Goolma Rd.,  
Wellington NSW 2820  
Ph: 02 68 451793  
Email:nba43079@bigpond.net.au

## Richard Hammond

---

**From:** Elisabeth Gilroy <Elisabeth.Gilroy@minister.nsw.gov.au>  
**Sent:** Tuesday, 19 August 2014 5:43 PM  
**To:** mcudop  
**Subject:** IM14/24322 (INFO) Wellington Gas Fired Power Station & Aboriginals in Wellington Jail  
**Attachments:** Letter\_re\_proposed\_Wellington\_Gas\_power\_station.pdf; Waubra-new logo.jpg; Corro Action Sheet - For info.doc

---

**From:** Nat Barton [mailto:nba43079@bigpond.net.au]  
**Sent:** Thursday, 14 August 2014 12:26 PM  
**To:** Public Dominello's Office\_Email  
**Cc:** Andrew Gee; Public Goward's Office Email; Public Hazzard's Office Email  
**Subject:** Fw: Wellington Gas Fired Power Station & Aboriginals in Wellington Jail

Hon Victor Dominello  
Minister for Aboriginal Affairs,  
NSW State Parliament,  
SYDNEY NSW 2000

Dear Minister Dominello,

### **RE: WELLINGTON GAS FIRED POWER STATION MP06\_0315 MOD 2 & ABORIGINALS IN WELLINGTON JAIL**

I note that you represented aboriginals in the Maralinga case before entering State Parliament. You would be very well aware of the incarceration rate of aboriginals and the very high proportion of them in our State's Correctional facilities.

Please find for your information a letter dated 6 August 2014 from M/s Sarah Laurie, CEO of the Waubra Foundation to M/s Karen Jones, Director of Infrastructure Projects, NSW Department of Planning. M/s Jones is currently considering recommendations from M/s Diane Sarkies, NSW Department of Planning to approve the modifications to this Project. M/s Laurie is a former rural GP, has been involved with Federal Government committees involving aboriginal deaths in custody and has also been called as an expert witness in cases involving infrasound and the adverse health affects both in Australia and in Canada.

Wellington Correctional Centre is located within the impact zone of the proposed Wellington Gas Fired Power Station. The Project is proposed by ERM Power Ltd and the Planning Officer involved was Mr Scott Jefferies. The Project was approved on 4 March 2009 in controversial circumstances by the then Minister for Planning, Hon Kristina Keneally after the Labor Party received over \$100,000.00 in declared Political Donations. The Minister and the Department would have been well aware of the unfolding debacle at Uranquinty at the time of the approval. Mr Jefferies was also the officer involved in MOD 5 to the Uranquinty Project in 2009.

The Uranquinty Gas Fired Power Station was built by ERM Power Ltd (a company with links to Mr Eddie Obeid's family) and was later sold to Origin Energy. In 2009 after the Power Station was up and running Origin Energy acquired 10 properties because they were adversely affected by noise, and in particular infrasound noise. The Hon Katrina Hodgkinson MP, as Member for Burrinjuck highlighted some of the problems at Uranquinty in her address to the Planning Assessment Commission ("PAC") regarding AGL's proposed Dalton Project. In the Honourable Member's own words she said "The Department got it wrong." (see <http://www.goulburnpost.com.au/story/130129/proposal-gone-to-the-pac/>).

In much more chilling circumstances Wagga's Daily Advertiser ran a story that spelt out what was happening in December 2009 regarding the Uranquinty Power Station (see <http://www.dailyadvertiser.com.au/story/730735/power-firm-says-no-to-expansion/>). The article states :-



"The NSW Department of Planning issued a public notice in the Weekend Advertiser to notify the community of the approval of a request by Origin Energy to modify the Uranquinty power station development consent. **As stated in the notice, the modification prevents residents who have negotiated a prior noise agreement with Origin, or those wishing to build new homes near the power station, from seeking operational noise limits and associated monitoring and mitigation measures.** However, the individual listed for those wishing to enquire about the modification, printed on the December 19 and 20, is currently on leave." The individual is Mr Scott Jefferies.

I am not aware that Wellington Correctional Facility has negotiated a prior noise agreement and I am not aware that they have been contacted by M/s Diane Sarkies, NSW Department of Planning.

However, given the substance of this attached letter and the credibility of the author I would suggest that you and other Cabinet members affected by these current recommendations make your views known to the Minister for Planning, Hon Pru Goward and M/s Karen Jones at your earliest opportunity to avoid any professional negligence claims in the future.

If you require further information please do not hesitate to contact me or M/s Sarah Laurie.

Yours sincerely,

Nat Barton  
"Nanima",  
7009 Goolma Rd.,  
WELLINGTON NSW 2820  
Ph: 02 68 451 793  
Email: [nba43079@bigpond.net.au](mailto:nba43079@bigpond.net.au)

----- Original Message -----

**From:** Sarah Laurie  
**To:** Karen Jones  
**Cc:** Hon Pru Goward ; Mr Andrew Gee ; Nat Barton  
**Sent:** Wednesday, August 06, 2014 8:45 AM  
**Subject:** Wellington Gas Fired Power Station

Dear Ms Jones

Please find attached a letter detailing our concerns about the impacts of the proposed Wellington Gas Fired power station, even with the proposed modifications.

Please do not hesitate to contact me should you require further information.

regards

Sarah



---

Sarah Laurie BMBS  
CEO

PO Box 7112  
Banyule VIC 3084  
AUSTRALIA

**[sarah@waubrafoundation.org.au](mailto:sarah@waubrafoundation.org.au)**

**0474 050 463**

---

Dear Ms Jones

Please find attached a letter detailing our concerns about the impacts of the proposed Wellington Gas Fired power station, even with the proposed modifications.

Please do not hesitate to contact me should you require further information.

regards

Sarah

Sarah Laurie BMBS  
CEO  
PO Box 7112  
Banyule VIC 3084  
AUSTRALIA

**[sarah@waubrafoundation.org.au](mailto:sarah@waubrafoundation.org.au)**

0474 050 463



The Waubra Foundation.  
PO Box 7112  
Banyule Vic 3084  
Australia

Reg. No. A0054185H  
ABN: 42 152 077 891

CEO Mobile: 61 + 0474 050 463  
E: [info@waubrafoundation.org.au](mailto:info@waubrafoundation.org.au)  
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Alexandra Nicol, B Ag (Hons)  
Kathy Russell, BCom, CA  
The Hon. Clive Tadgell, AO  
The Hon. Dr. Michael Wooldridge,  
B.Sc. MBBS, MBA

6<sup>th</sup> August, 2014

Ms Karen Jones  
Director, Infrastructure Projects,  
Development Assessment Systems & Approvals  
NSW Department of Planning & Environment  
Sent by email  
[karen.jones@planning.nsw.gov.au](mailto:karen.jones@planning.nsw.gov.au)  
cc Planning Minister, Hon Pru Goward  
cc Andrew Gee, MP

Dear Ms Jones

**Re: WELLINGTON GAS FIRED POWER STN - MP06\_0315 MOD 2**

Mr Nat Barton, owner of heritage listed "Nanima" has asked me to write to you concerning the above project, and specifically the likely effectiveness of the proposed modifications, designed to reduce the noise impact from the proposed gas turbines.

Despite the proposed modifications to both the turbines and the proposed noise barrier, Mr Barton is still very concerned about the impact of infrasound, low frequency noise (ILFN) and vibration on his home's amenity and on his own health.

I share his concerns for himself and other members of the community who are located within the acoustic impact zone of this development, because of what I know about what happened at Uranquinty power station, in NSW near Wagga. The precise distances of the acoustic impact zone from this design of turbine is unknown, because there is no public data I can find relating to the exact noise emissions (rather than models) from these turbines in frequencies below 200 Hz, particularly in the infrasound and very low frequency noise part of the sound spectrum. These frequencies are particularly penetrating, and the proposed sound barrier for Nanima therefore may not prevent the symptoms of "annoyance" which include repetitive sleep disturbance.

Residents' reports at Origin Energy's Uranquinty gas fired power station, (prior to being silenced with non disclosure clauses as part of their property buy out agreements), suggest that there was a significant infrasound and low frequency noise component involved in the noise emissions. However in the absence of adequate public information about either the resident's experiences, or the full spectrum of acoustic emissions inside and outside their homes, the likely emissions and impacts of the proposed Wellington development remain unknown.



Mr Barton is well aware of the expensive planning and noise pollution regulation debacle at Uranquinty Gas Fired Power Station, despite the best attempts of those responsible to ensure that those affected (residents) or professionals (acousticians) were all silenced with non disclosure clauses. I heard directly from some residents, before they signed their non disclosure clauses, and the symptoms and health problems were identical to those described by Professor Geoffrey Leventhall as "annoyance" resulting from exposure to environmental low frequency noise.<sup>1</sup> Their symptoms included those of repetitive sleep disturbance as well as physiological stress. Both these adverse health effects (chronic sleep deprivation and chronic stress) have serious longterm consequences and are well known to clinical medicine to result in degraded health and wellbeing, and to result from excessive environmental noise, so this is not unexpected.<sup>2 3 4 5 6 7 8</sup>

The facts remain that at Uranquinty, numerous families (ten according to Mr Barton) were forced from their homes because of excessive and health damaging noise pollution in the low frequencies below 200 Hz, **resulting from underestimation of the noise emissions in the planning stage of that development**, and therefore underestimation of the likely adverse health impact when that gas fired power station development was approved by the NSW Department of Planning.

It would seem that history is repeating itself, again, this time at Wellington.

Non disclosure clauses have prevented public transparency about the nature and severity of the subsequent noise impacts resulting from the decision to approve that type of development in that location, close to homes, in a quiet rural environment. This has the unfortunate effect of ensuring that we cannot learn from previous mistakes, and the lack of public transparency allows proponents of similar developments such as this proposed Wellington gas fired power station to infer there is no or little adverse health impact from the ILFN and vibration, when the actual reality in quiet rural areas is that the impacts can be significant, and incompatible with remaining living in one's home if people are badly impacted by, and sensitized to, the impulsive nature of the sound energy. **The NSW Department of Planning is well aware of the outcome at Uranquinty, and I would have thought would be giving serious consideration to the adoption of a truly precautionary approach to this development, given previous experiences at Uranquinty.**

I note that current President of the Australian Acoustical society and Australian Low Frequency Noise Acoustic expert Dr Norm Broner has suggested that homes should be at least 1.5 - 2km away from these developments, in an article entitled "Power to the People" which was part of a paper delivered at a conference in the UK in 2012.<sup>9</sup> I also note that some of the seriously affected households at Uranquinty lived **further than 2km** from the gas fired power station. There was a clear dose response relationship and evidence of a direct causal effect between sound emissions and "annoyance" symptoms (which were intolerable in their impact), just as Dr Neil Kelley et al found in 1982 in the USA.<sup>10</sup>

Apart from Mr Barton's close proximity at 700 metres, I am also very concerned about the proximity of the Wellington township to this proposed development, with sensitive receptors such as the nursing home, and the closeness of the Wellington Correctional facility, (all within 3-5 km away according to Mr Barton). If residents who are inmates of the jail are particularly sensitized to the LFN over time, they will be unable to escape its adverse impacts on health and sleep. This could put Australia (NSW) in clear breach of the Convention against Torture and other cruel inhuman and degrading treatment, particularly if the sound

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<sup>1</sup> <http://waubrafoundation.org.au/resources/review-published-research-low-frequency-noise-leventhall/>

<sup>2</sup> <http://waubrafoundation.org.au/resources/berglund-hassmen-job-sources-and-effects-low-frequency-noise/>

<sup>3</sup> <http://waubrafoundation.org.au/resources/goines-l-hagler-l-noise-pollution-modern-plague/>

<sup>4</sup> <http://waubrafoundation.org.au/resources/health-effects-environmental-noise-other-than-hearing-loss/>

<sup>5</sup> <http://waubrafoundation.org.au/resources/roberts-c-ecoaccess-guideline-for-assessment-low-frequency-noise/>

<sup>6</sup> <http://waubrafoundation.org.au/resources/who-night-noise-guidelines-for-europe/>

<sup>7</sup> <http://waubrafoundation.org.au/resources/who-burden-disease-from-environmental-noise/>

<sup>8</sup> <http://waubrafoundation.org.au/resources/berglund-b-lindvall-t-community-noise/>

<sup>9</sup> <http://waubrafoundation.org.au/wp-content/uploads/2013/03/Broner.pdf>

<sup>10</sup> <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>



energy frequencies cause repetitive sleep disturbance, which itself has been clearly acknowledged as torture by both the Committee Against Torture<sup>11</sup> and the Physicians for Human Rights.<sup>12</sup>

Knowledge of the impacts directly caused by impulsive sound energy in the lower frequencies (not currently monitored by the NSW EPA) can be seen in the 1982 paper by Dr Neil Kelley and his colleagues,<sup>13</sup> which compared the impacts of the impulsive nature of the sound from wind turbine noise with that from a gas fired power station. The impulsive sound energy penetrates through building structures, and can resonate and amplify, increasing the negative health impacts perceived by the residents. The negative health impacts are generally known as “annoyance” which understates the severity of the recognized impacts which include repetitive sleep deprivation – itself well known to cause downstream physical and mental health problems.

As you may be aware, the Waubra Foundation is concerned about excessive noise pollution, particularly in the lower frequencies, regardless of the source of the noise. To date the investigative acoustic field work we have commissioned or facilitated has predominantly been near industrial wind turbines, due to the volume of complaints received from those residents. So apart from information received about Uranquinty, and from residents adversely impacted by noise and vibration from gas fired power stations at Port Campbell and Laverton in Victoria, we rely on the measurements and public statements of others with more experience and direct measurements in this area. Unfortunately, because of the non disclosure clauses, there is no transparency about either the acoustic emissions or their impacts on people. This use of non disclosure clauses in subsequent property buy out agreements and agreements with acoustic consultants working for the noise polluters is against the public interest, and perpetuates the ignorance of the impacts amongst the health professionals at the front line of treating these symptoms and subsequent illnesses.

We note the consequences of approving noise polluting developments on neighbouring communities are complaints of excessive noise and regular repetitive sleep disturbance, along with a range of other predictable adverse health effects from chronic stress. This may also result in subsequent litigation if the approving authorities were warned of the likely impacts and ignored those warnings, resulting in predictable harm to human health.

In 2013, the NSW Land and Environment Court refused a future mine extension because of coal mining noise, amongst other issues.<sup>14</sup> The Warkworth decision specifically noted the significant noise impacts on residents, the inappropriate noise criteria and noise control measures for the project, resulting in severe and unacceptable adverse health impacts which have also been documented by others elsewhere in the Hunter region, in many instances still not resolved.<sup>15</sup>

The Waubra Foundation is helping a number of these residents obtain access to independent full spectrum noise and vibration monitoring, as the current system of the noise polluters contracting acousticians to investigate is not trusted by the residents, who frequently report that during the monitoring period the mine operations are not as active, with immediate and noticeable increases in the noise impacts when the monitors are removed. This is one reason why the Foundation is advocating that there needs to be continuous full spectrum noise monitoring (and vibration) and that the results should be made publicly available to all interested parties. It is also our view that the requirement and the cost of such acoustic monitoring (independent of the noise polluter) should be made clear at the project approval stage.

In closing, the Foundation considers that this development, in this location, even with the proposed modifications, will be likely to cause adverse health impacts to vulnerable people residing in the township of Wellington and the correctional facility over the life of this project, as well as Mr Barton under specific

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<sup>11</sup> <http://waubrafoundation.org.au/resources/un-convention-against-torture/>

<sup>12</sup> <http://physiciansforhumanrights.org/library/reports/leave-no-marks-report-2007.html>

<sup>13</sup> <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>

<sup>14</sup> <http://www.caselaw.nsw.gov.au/action/pjudg?jgmid=164038>

<sup>15</sup> <http://waubrafoundation.org.au/resources/rich-land-waste-land-how-coal-killing-australia-sharyn-munro/>

meteorological conditions, particularly temperature inversions, where the wind is blowing from the gas fired turbines to the homes / facilities.

This proposed project is simply too close to human habitation, and the proposed barrier will not prevent the adverse health impacts if the frequencies are in the very low part of the sound spectra. The unexpected unintended impacts at Uranquinty resulted in up to ten households having to leave their homes and being silenced.

**I see no reason for the same mistakes to be repeated at Wellington, particularly when the NSW Government is already aware of them.**

I repeat, this practice of hiding essential acoustic information via nondisclosure clauses, in contracts with powerful noise polluters, is against the public interest.

Yours sincerely

Sarah Laurie  
CEO

**Attachments:** (please download at the listed links)

1. Revised Acoustic Pollution Assessment Requirements from March 2013  
<http://waubrafoundation.org.au/about/acoustic-pollution-assessment/>
2. Kelley et al 1982 <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>
3. Broner, N 2012 "Power to the People" <http://waubrafoundation.org.au/wp-content/uploads/2013/03/Broner.pdf>





## Richard Hammond

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**From:** Public Goward's Office Email <office@goward.minister.nsw.gov.au>  
**Sent:** Wednesday, 30 July 2014 4:26 PM  
**To:** mcudop  
**Subject:** Deputy Secretary/ Urgent : IM14/22466 : Email from Mr Nat Barton 26/07/2014 - URGENT MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION. - Refers to original request sent on the 19th May.  
**Attachments:** Email\_URGENT MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION.html; Corro Action Sheet - DDG.doc

Good Afternoon,

Please see the attached correspondence.

Regards,

Office of Minister Goward  
Office of the Minister for Planning  
Minister for Women

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Email: [office@goward.minister.nsw.gov.au](mailto:office@goward.minister.nsw.gov.au)  
Tel: 02 9228 5413  
Fax: 02 9228 5501

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily those of the office of the Minister.



**E-mail Message**


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**From:** Nat Barton [SMTP:nba43079@bigpond.net.au]  
**To:** Public Goward's Office Email [EX:/O=MIN/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AC6AD7B09FE1A48808B23FEDCEF8244-000000059ADC]  
**Cc:** Andrew Gee [SMTP:orange@parliament.nsw.gov.au]  
**Sent:** 26/7/2014 at 12:07 PM  
**Received:** 26/7/2014 at 12:07 PM  
**Subject:** URGENT MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION

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**Attachments:** Corro Action Sheet - DDG.doc

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Dear Minister Goward,

RE: MP06\_0315 MOD 2 - WELLINGTON GAS FIRED POWER STATION

I refer to previous correspondence in this matter that was copied to you on 19 May 2014 and to which I have not received a reply.

You will recall that I sent you a copy of my Affidavit dated 7 April 2014 in SCNSW Matter 2013/218863 and a copy of the SMH article - Metgasco Project referred to ICAC because of links to Obeid family. The article went on to document the close relationship between ERM Power's Managing Director, Tony Bellas and members of the Obeid family. ERM Power are major shareholders in Metgasco. In my mind the article raises real questions as to whether or not ERM Power Ltd are fit and proper persons to do this development at Wellington.

As you will be aware ERM Power Ltd has applied for an extension of the lapse date for the Project for a further 5 years as construction has not commenced and also to commit to building only 2 stacks.

The proposed modifications admit in Table 1 of the Parsons Brinkerhoff Memo dated 20 December 2013 that my property, Nanima that is within 700m of the Project, is non compliant with NSW Industrial Noise Policy and despite statements in the Submissions Report attached to the Environmental Assessment dated September 2008 at 4.23 .4 that a Statement of Heritage Impact would be done and in the Statement of Commitments (N12) that a negotiated agreement would be entered into, none of these things have occurred despite my best efforts. ERM Power submit that they have acted in accordance with the Project Approval.

I note that the Environmental Protection Agency ("EPA") says in their submissions dated 2 April 2014 that "the EPA would not normally licence to noise levels more than 5dB above the Project Specific Noise Levels (PSNL)". Further, " the EPA has considered the details provided by ERM Power Ltd on 24 February 2014 and as indicated in the Environmental Assessment the project is likely to generate residual noise impacts above the PSNL.

Wellington Council in their submissions dated 20 March 2014 say "Council is supportive of the ERM Power request to use 2 x 4000F gas fired turbines subject to conditions being met requiring noise abatement strategies to reduce the impact on the occupants of Nanima House."

To date ERM Power have not commenced any detail design of any Noise Wall to reduce noise at any of the historic 3 buildings comprising Nanima House. ERM have not even agreed as to what the Noise Wall is to achieve nor on it's impact on the surrounding landscape including the town of Wellington.

The Project Approval in its present form creates a severe blight across my historic property to the extent that it is valueless. The uncertainty surrounding the Project has meant that my property is not saleable - there were no bids when it was put to Public Auction on 28 October 2011 and there have been no subsequent

offers.

On 18 July 2014 I spoke to Mr Neville Osborne, NSW Department of Planning who advised me that the Department had made a decision and it should be published early in the week beginning 21 July 2014.

Unfortunately, no decision has been published.

Could you please advise when you propose to publish a decision on the further Modifications to this Project.

Your early attendance to this matter would be greatly appreciated.

Yours sincerely,

N Barton  
"Nanima",  
7009 Goolma Rd.,  
Wellington NSW 2820  
Ph: 02 68 451793  
Email:nba43079@bigpond.net.au