



Derek McKay
Executive General Manager, Generation
ERM Power Limited
Wellington Gas Fired Power Station
GPO Box 7152
BRISBANE QLD 4001

Dear Mr McKay

**Wellington Gas Fired Power Station (MP 06_0315)
Young to Wellington Gas Pipeline (MP 09_0143)**

I refer to your letter dated 21 August 2015 regarding ERM Power's decision not to proceed with development of the Wellington Gas Fired Power Station and the associated Young to Wellington Gas Pipeline.


The Department understands that ERM Power has volunteered to surrender the project approvals for both Wellington Gas Fired Power Station (MP 06_0315) and Young to Wellington Gas Pipeline (MP 09_0143) in accordance with section 104(A) of the *Environmental Planning and Assessment Act 1979*. The Department also understands ERM Power withdraws the modification request for Wellington Gas Fired Power Station (MP 06_0315 MOD 2).

The Department accepts the letter as being adequate notice for the purpose of withdrawing the modification request.

With respect to the voluntary surrender of the project approvals for Wellington Gas Fired Power Station (MP 06_0315) and Young to Wellington Gas Pipeline (MP 09_0143), the Department requires notification pursuant to those matters listed under clause 97(3) of the *Environmental Planning and Assessment Regulation 2000*. An extract of the legislation is attached for your consideration.

If you have any questions about this matter, please do not hesitate to contact Karen Harragon, Manager, Infrastructure Projects on (02) 9228 6358

Yours sincerely


Karen Jones 24.8.15
Director
Infrastructure Assessments

Attachment: Extract *Environmental Planning and Assessment Act - Section 104(A)*
Extract *Environmental Planning and Assessment and Regulation - Clause 97(3)*

Environmental Planning and Assessment Act 1979

104A Voluntary surrender of development consent

- (1) A development consent may be surrendered, subject to and in accordance with the regulations, by any person entitled to act on the consent.

Environmental Planning and Assessment Regulation 2000

97 Modification or surrender of development consent or existing use right

- (3) A notice of voluntary surrender of a development consent, as referred to in section 104A of the Act, is to be given to the consent authority and is to include the following information:
 - (a) the name and address of the person by whom the notice is given,
 - (b) the address, and formal particulars of title, of the land to which the consent relates,
 - (c) a description of the development consent to be surrendered,
 - (d) if the person giving the notice is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the surrender of the consent,
 - (e) if development has commenced to be carried out in accordance with the consent—a statement setting out the circumstances that indicate:
 - (i) that so much of the development as has been carried out has been carried out in compliance with any condition of the consent, or any agreement with the consent authority relating to the consent, that is relevant to that part of the development, and
 - (ii) that the surrender will not have an adverse impact on any third party or the locality.