

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Critical State significant infrastructure
Application number and project name	Bayswater Turbine Efficiency Upgrade (SSI 9234)
Applicant	AGL Macquarie Pty Limited
Approving authority	Minister for Planning

Decision

The Minister for Planning has, under s.5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to the recommended conditions.

A copy of the Department of Planning and Environment's Assessment Report and infrastructure approval is available [here](#).

Date of decision

4 December 2018

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in the statutory context section of the Department's assessment report;
- the objects of the Act;
- all information submitted to the Department during the assessment of the application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
 - contributing an additional 100 MW to the national energy grid without increasing coal consumption;
 - improving the reliability and availability of electricity supply for the remaining life of the power station (until 2035) and decreasing the number of anticipated outages for each turbine;
 - \$129 million of capital investment; and
 - creation of 70 jobs during each outage period over four years;
- the project is permissible with infrastructure approval;
- the project presents a productive reuse of available infrastructure and avoids the impacts that could arise from construction of a new power station;
- the project can be undertaken with minimal environmental impacts, and the air quality impacts of the power station would continue to be regulated by the Environment Protection Authority (EPA) under an environment protection licence;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed in the Department's Assessment Report; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 18 July 2018 until 15 August 2018 (28 days) and received 54 submissions, including 48 objections, primarily from residents living further than 100 km from the project site.

The Department undertook a site visit with representatives from relevant regulatory authorities including the EPA and Muswellbrook Shire Council on 11 April 2018.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include air quality and the level of community consultation undertaken for the project.

Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Air Quality</i></p> <ul style="list-style-type: none"> Air quality impacts of the existing power station. Recommended that strict conditions be imposed as part of the project to require the installation of best available air pollution control technology at the power station. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> While the Department acknowledges community concerns about the air quality impacts of the power station, including the cumulative air quality impacts associated with other mining and energy projects in the region, its detailed assessment has shown that the project would not result in any changes to the impacts of the power station. The project is limited in scope to the upgrade of the turbines within each of four generating units, which do not directly produce air emissions. In fact, the project is expected to marginally improve the energy efficiency of the power station by adding an additional 100 MW of power to be generated for the same air emissions. Further, the air quality impacts of the power station are currently regulated by the Environment Protection Authority (EPA) under an environment protection licence granted under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). The EPA has advised the Department that it has no concerns about the application, and that there would be no need to change the current licence. The Department notes the EPA has the power to impose stricter air quality conditions on AGL at any time should they be warranted and considers the POEO Act - rather than the EP&A Act - to be the best legislation for regulating the air quality impacts of the power station. <p><i>Conditions/Response</i></p> <p>None proposed</p>
<p><i>Community Engagement</i></p> <ul style="list-style-type: none"> Public meeting should be held by the Independent Planning Commission of NSW (IPC). 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Minister for Planning is the approval authority for the project. The Minister did not direct the Department to hold a public meeting for the project. The Department considers that the public has been given enough time to comment on the project given the EIS was exhibited for 28 days, and members of the public were given the opportunity to submit additional information to the Department for consideration after the formal exhibition period had closed. <p><i>Conditions/Response</i></p> <p>None proposed</p>