

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Director
Infrastructure Projects

Sydney

23 September

2011

SCHEDULE 1

Project Approval:

MP 06_0029 granted by the Minister for Planning on 27 February 2007

For the following:

Construction and operation of an open cycle gas-fired power station (Stage 1)

Modification:

(MP 06_0029 MOD 3) To extend the approval lapse date to February 2014.

SCHEDULE 2 CONDITIONS

THE APPROVAL IS MODIFIED BY:

1. Deleting condition 1.5 and replacing with the following

- 1.5 This project approval shall lapse on 27 February 2014, unless works the subject of this approval are physically and substantially commenced on or before that time.

2. Deleting condition 2.10 and replacing with the following

- 2.10 The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 3, at those locations and during those periods indicated and are consistent with the *New South Wales Industrial Noise Policy* (EPA 2000) (or any subsequent update at the commencement of construction). In the event of any inconsistency between Table 3 and the *New South Wales Industrial Noise Policy* (EPA 2000) (or any subsequent update) the most stringent levels shall be met.

The maximum allowable noise contributions apply under wind speeds up to 3 ms^{-1} (measured at 10 metres above ground level), or under temperature inversion conditions of up to $3^\circ\text{C}/100 \text{ metres}$.

Table 3 - Maximum Allowable Noise Contribution

Location	Day 7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$
Lot 22 DP 746233	37	35	35
213 Gannet Road	37	35	35
190 Bamarang Road	35	35	35

3. Deleting condition 2.11 and replacing with the following

- 2.11 For the purpose of assessment of noise contributions specified under condition 2.10 of this approval, noise from the project shall be:
- at any point within the residential boundary, or at any point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
 - subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000) (or any subsequent update), where applicable.

Notwithstanding, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000) (or any subsequent update at the commencement of construction). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

4. Deleting condition 3.4 and replacing with the following

- 3.4 Within 90 days of the commencement of operation of the project, or as may be agreed by the Director-General, and during a period in which the project is operating under design loads and normal operating conditions, the Proponent shall undertake a program to confirm the noise emission performance of the project. The program shall meet the requirements of the DEC, and shall include, but not necessarily be limited to:
- noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000) (or any subsequent update), to assess compliance with condition 2.10 of this approval;
 - methodologies, locations and frequencies for noise monitoring (including at sites assessed in the EA);
 - identification of monitoring sites at which pre- and post-project noise levels can be ascertained; and

d) details of any entries in the Complaints Register (condition 4.3 of this approval) relating to noise impacts.

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).