JOINT REGIONAL PLANNING PANEL
SYDNEY WEST REGION

JRPP No.	**2013SYW115**
Council Ref.	**2325/2013/DA-I**
Local Government Area	**Campbelltown City Council**
Proposed Development	**Fit out and use of an existing industrial building to generate electricity**
Capital Investment Value	**$8.14 million**
JRPP Referral Criteria	**Private electricity generating works with a value of more than $5 million (EP&A Act 1979, Sch 4A(6))**
Street Address	**15 Huntsmore Road, Minto**
Applicant	**Nova Power Pty Ltd**
Number of Submissions	**One**
Recommendation	**Approval with Conditions**
Report by	**Andrew MacGee – Senior Development Planner**

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Site plan
4. Elevations
5. Generator detail

Purpose

The purpose of this report is to assist the Sydney West Joint Regional Planning Panel in its determination of the subject development application pursuant to the *Environmental Planning and Assessment Act 1979*.

Development Description	Fit out and use of an existing industrial building for electricity generation
Property Description	Lot 238 DP 260481, 15 Huntsmore Road, Minto
JRPP Application No.	2013SYW115
Council Application No.	2352/2013/DA-I
Applicant	Nova Power Pty Ltd
Owner	Amenley Pty Ltd
Statutory Provisions	Environmental Planning and Assessment Act 1979
	Protection of the Environment Operations Act 1997
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	State Environmental Planning Policy (Infrastructure) 2007
	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
	Campbelltown (Urban Area) Local Environmental Plan 2002
	Campbelltown (Sustainable City) Development Control Plan
Other Provisions	Interim Nitrous Oxide Cogeneration Policy for Sydney and the Illawarra
	Campbelltown 2025 – Looking Forward
Date Received by Council	November 2013

Introduction

Council has received a development application for the fit out and use of an existing industrial building for the purposes of generating electricity. The site is located within an industrial area and is adjacent to existing electricity network infrastructure.

The proposed development has an estimated capital value of $8.14 million and in accordance with Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the Act) qualifies for determination by the Joint Regional Planning Panel (Sydney West).

The Site

The subject land has an area of approximately 7,055 square metres and is legally described as Lot 238 DP 260481. The site is irregular in shape and is located on the eastern side of Huntsmore Road, where it ends in a cul-de-sac head. The site contains two existing single-storey industrial buildings, with masonry and Colorbond steel being the predominant materials used in their construction. A central driveway services both of the industrial buildings and a vehicle manoeuvring, car parking and landscaped/grassed area is at the site's rear. The proposal would be undertaken in the southern building.

The Main Southern Railway and Southern Sydney Freight Line run parallel to the site's eastern boundary. An existing electricity substation is located to the site's immediate southern boundary. The applicant intends on supplementing electricity at the substation with that produced as part of the proposed development.

The site is zoned 4(a) – General Industry Zone pursuant to Council's *Campbelltown (Urban Area) Local Environmental Plan 2002*.

Figure 1 below is an aerial photograph of the development site, which depicts its setting and location.

The Proposal

The application proposes the installation and operation of machinery that would be operated to generate electricity.

The equipment proposed for installation and operation at the site is listed and detailed below:

Equipment to be installed within the existing building:

Generators

- Four x 2MW Caterpillar (Cat) G3520E gas-fired engine generators that would provide a total generating capacity of 8 megawatts-equivalent (MW).

  The generators would be housed in a self-contained 'generator canopy' enclosures with dimensions of 13 metres long x 5 metres high x 3.8 metres wide. The generators are gas-fired engines which contain their own integrated generators and cooling systems. Attachments 4 and 5 illustrate the generators and their enclosures, which would be fully contained within the existing building except for the external exhausts.

Transformers

- Four x 500mVA electricity transformers would be housed within enclosures at the rear (northern) end of the building.

Switch room

- A switch room measuring 4.5 metres wide by 13 metres long would be constructed inside the building.

Air circulation

- Openings are required to reduce heat build-up and remove exhaust fumes from engines during operation. In order to supplement the existing weather louvres on the building's western building facade, the application proposes to modify the existing building entry on its southern façade to also incorporate louvres.

Equipment and structures to be installed within site boundary but external to the existing building:

Heat exchangers

- Four x remote horizontal heat exchangers (radiator fans) are proposed to be located adjacent to the eastern façade of the building.

  The radiator dimensions (including support structures) are 6 metres long x 4 metres high x 2.4 metres wide. The structures will be placed on concrete footings and plinths in the existing vehicle manoeuvring area. These fixtures can be decommissioned and removed at the end of their operation and would not interfere with the operation of the subject building.

Switching stations

- Two x switching cubicles are to be provided (in the northeast corner of the vehicle manoeuvring area). The station dimensions are 0.8 metres long x 1 metres high x 0.8 metres wide. A 2 x 2 metre footprint is illustrated for each switching station on the plans.

External connections

- The electricity generating works would connect to an existing 22kV line to the Endeavour Energy substation from the switching stations to the south of the site via underground cable.

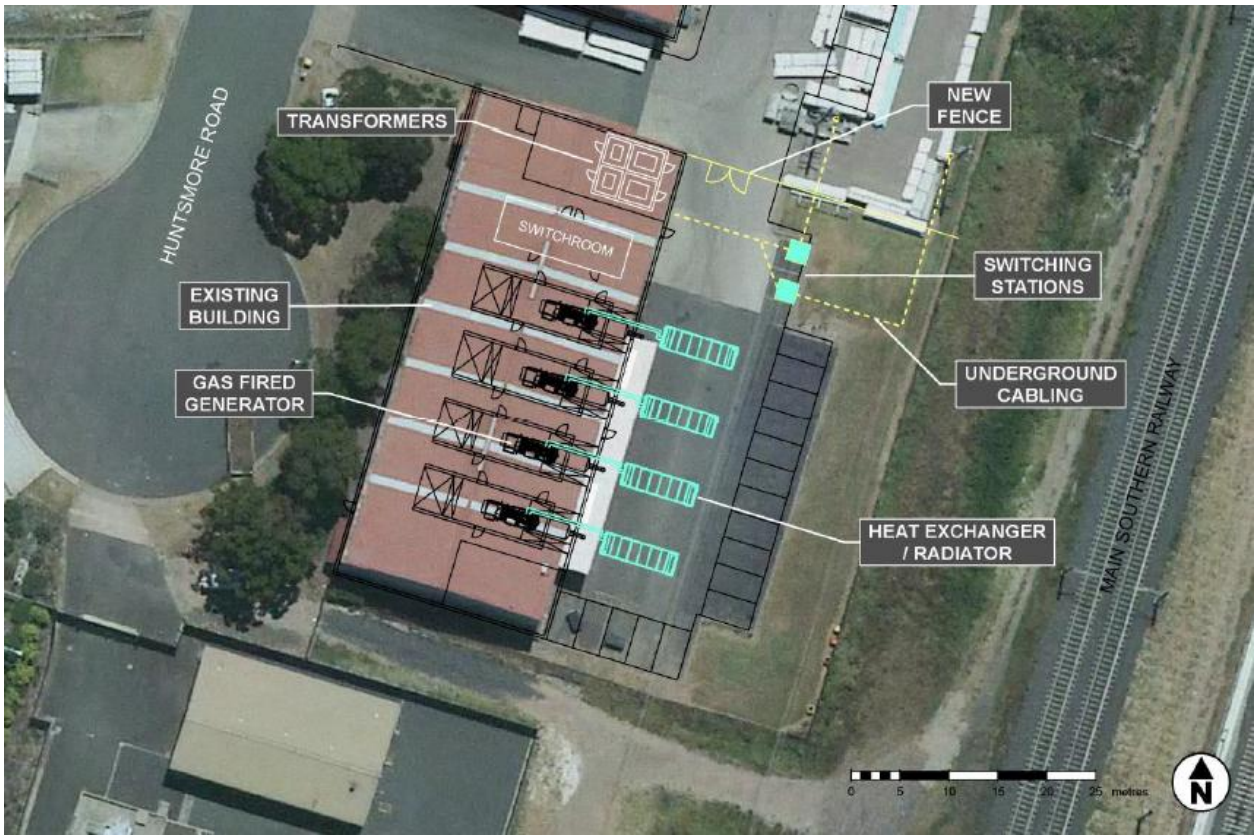
- Jemena as the local gas infrastructure provider would construct a gas pipeline to the development from existing piping within the local area network. A new gas meter will be located on the property. Gas pressure into the site from Jemena's meter will be approximately 70 kPa, which is consistent with existing pressures in the immediate vicinity.

Security fencing

- A new fence with double gate is proposed to improve security to the rear of the site and the equipment located within it. This would run from the northeast corner of the existing building to the railway boundary fence. It is proposed that it would be constructed of plastic coated chain mesh.

Capital construction costs for the proposed development are estimated at approximately $8 million.

Figure 2 below illustrates the works detailed above. Further, the plan attachments to this report provide additional detail as to the type and location of various amendments proposed for the site and building.



The gas-fired engines contain 20 cylinders in a 'vee' configuration and have a cubic capacity of 86 litres. The integrated 'gen-sets' (combination of engine and generator) would be used to generate electricity and transfer that electricity to the existing network infrastructure adjacent to the site. Council understands that the generating work would be privately owned and operated and would be used to assist with the provision of power to Endeavour Energy, which is the electricity distributor in the area.

The site would be used for electricity generation during times of 'peak demand', rather than as 'base load'. This would be typically during summer loading periods; late afternoon and evening (4pm to 11pm). However, the network support substation (NSS) is designed to, and seeks approval to, operate at any time of day due to the potential need for network support. Modelling used to assess the development's environmental impact has assumed full-time operation although this is not a likely scenario. The proposal's potential environmental impacts are discussed later in this report.

The site would usually be unmanned and would be operated remotely by computer-control. Attendance at the site by staff of Nova Power would only occur in the event of an alarm or plant failure outside of scheduled monthly maintenance.

Maintenance activities will generally be oil and fluid changes and top ups, general running of equipment to ensure correct operation, and point to point testing to confirm control operation. All fluids required for maintenance will be brought onto site as required in the volumes required. Each generator typically requires about 20 litres of coolant and oil to be changed every 3 months. All used fluids from maintenance would be transported off site and disposed of at an appropriately licensed facility.

Assessment and Relevant Planning Framework

The development application has been assessed in accordance with the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following legislation, planning instruments and planning controls have been identified for further consideration:

- Environmental Planning and Assessment Act 1979
- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Campbelltown (Urban Area) Local Environmental Plan 2002
- Campbelltown (Sustainable City) Development Control Plan

The following key matters have been identified for assessment having regard to the development's potential impact on the natural and built environment, potential social and economic impacts, site suitability, submissions and the public interest:

- Air quality and
- Noise.

1. Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a) requires the JRPP to consider environmental planning instruments and development control plans that apply to the site.

1.1. Environmental Planning and Assessment Act 1979 (the Act)

Schedule 4A of the Act details matters that must be forwarded to the relevant Joint Regional Planning Panel for determination. In this instance, Clause 6 of the Schedule nominates certain private infrastructure facilities with a capital investment value in excess of $5 million for which their development application shall be determined by the Panel.

The proposal is classified as an 'electricity generating work' and has a capital investment value of $8.14 million and would be privately owned and operated. Therefore, the JRPP is the appropriate consent authority.

1.2. Protection of the Environment Operations Act 1997 (the POEO Act)

The POEO Act applies to the development as its operation would require licensing by the NSW Environment Protection Authority (the EPA) pursuant to Clause 17 of Schedule 1. The development would be identified as a 'scheduled premises' as it is located in an urban area, is an electricity generating work and has the capacity to burn up to 23 mega joules of energy per second during full operation.

Accordingly, the application was treated as an 'integrated' development pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979* and was forwarded to the EPA during the assessment phase. A discussion of the EPA's assessment and requirements is contained later in this report during its discussion on air quality and noise.

1.3. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

State Environmental Planning Policy No.33 - Hazardous and Offensive Development (SEPP 33) provides the relevant assessment criteria to determine whether any proposed industrial use may be defined as a hazardous industry (and therefore be prohibited under LEP 2002). Where a development may be potentially hazardous, SEPP 33 requires the preparation of a Preliminary Hazard Analysis (PHA) for assessment by the determining authority.

The proponent has detailed that preliminary discussions with the Department of Planning and Infrastructure have indicated that the proposed development is unlikely to be a potentially hazardous or offensive industry, and therefore would not trigger the need for a PHA.

The site would be connected to an existing reticulated natural gas supply line. Gas would not be stored at the site. The applicant has also detailed that the engines and the site itself would be alarmed and be fitted with automatic shut off valves in the event of emergency to cut the supply of natural gas.

The development and its operation are not considered to be hazardous or potentially hazardous as a 'significant risk' would not be posed to the locality as a result of the development's commencement.

Notwithstanding the above, recommended conditions of consent require the applicant to undertake further detailed assessment prior to commissioning and operation of the site for electricity generation. The conditions relate to the provision of a full safety management statement for the facility, details of the shut off procedure and testing that would be undertaken as well as compliance with the relevant Department of Planning Hazardous Industry Planning Advisory Papers (HIPAPs) that apply under SEPP 33.

1.4. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) applies to the site and development type, as the development would be located adjacent to the rail corridor. The development is not considered likely to interfere with rail safety (cl.85(1)(a)), does not involve the placement of metal finishes near the corridor (in excess of 40 metres from the railway's electrical lines) (cl.85(1)(b)) and does not involve the use of a crane near or above the rail corridor (cl.85(1)(c)).

Notwithstanding, it is prudent to consider the grounding of the proposed development and its potential to be susceptible to electrolysis resulting from grounding leaks from the rail system's electricity supply.

In this respect, the applicant has complied with the requirements of the Infrastructure SEPP's related document 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The applicant has provided confirmation that the systems proposed to be installed at the network support substation would be grounded in such a manner that it has no potential to interfere with, or be interfered by, the rail system's electricity supply. Recommended conditions of consent reinforce these requirements.

1.5. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

The general aims of the Plan include:

(a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,

(b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,

(c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,

(d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,

(f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.

The proposed development is not inconsistent with the general aims of the Plan and would not result in a development that would have an adverse impact on water quality in the catchment.

1.6. Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 4(a) – General Industry Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP).
The objectives of this zone are:

(a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and

(b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and

(c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and

(d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and

(e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.

The proposal is considered to be complementary to these objectives.

Pursuant to the CLEP, the use of the site as proposed is best defined as an 'industry', which is permissible with development consent at the site. Under the CLEP, the use is defined as:

> ***industry*** *means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes.*

It should be noted that Council's LEP does also have a definition for a 'utility installation', which would also appear to 'fit' the proposal, however, the definition of that land use specifically mentions public utility. In this case, the electricity generation would be undertaken by a private company.

Clause 37 of the CLEP details Council's controls for setbacks within industrial areas. The Clause requires that development (aside from that involving car parking, landscaping or access roads) is not within 30 metres of the Main Southern Railway. The proposal conforms to this requirement.

Accordingly, the proposal is permissible at the site with development consent.

1.7. Campbelltown (Sustainable City) Development Control Plan

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the land and the proposed development. The SCDCP provides detailed objectives and controls for development that has regard to both natural and built environments by way of thresholds and controls.

The Plan does not contain specific controls or objectives for this type of development (electricity generation), however, three specific items from the DCP are worthy of mention. They are:

7.4 – Car Parking and Access

The installation of the heat exchangers/radiators external to the building will impinge on the existing vehicle manoeuvring/loading/unloading area provided at the site's rear. They will also impact on the accessibility of some car parking spaces as well.

However, the fact that this area would not be available to heavy vehicles for loading and unloading during operation of the electricity generating works is considered acceptable in this case. This opinion is formed having regard to the minimal likelihood of this area being required to load/unload heavy vehicles upon installation and operation of the proposed equipment and the fact that the radiators/heat exchangers (much like the internal 'gen sets') are moveable items so that if the NSS was removed and the industrial building used for a different purpose, the affected area would again be made available for use. Small trucks and vans would only be required for routine maintenance at the site and would be able to use the remaining car spaces during those visits.

7.5 – Landscaping

The site of the development does presently contain a large "landscaping strip" at the rear of the property where it abuts the railway corridor. However, the area is relatively sparse in its planting and screening. A recommended condition of consent requires that the screen tree plantings in this part of the site be embellished so that a more effective screen of the site is provided to the railway corridor.

This embellishment would also assist in increasing the site's security and minimise potential of graffiti attack.

7.8 – Environmental Management

Council's DCP contains controls relating to the storage of liquids as well as air quality and noise in industrial areas.

Liquid storage at the site would include coolant and oil top ups/change overs. These would be stored internally within the building and a recommended condition of consent requires that these areas be appropriately bunded to ensure that any spills do not interfere with and pollute Council's stormwater system.

Briefly, Council requires that "appropriate measures to mitigate against air pollution" are incorporated into new industrial developments.

Similarly, Council's DCP requires that industrial uses that have the potential to generate noise include methods/processes/equipment that may mitigate the impact of such noise on the site's surroundings.

Noise and air quality are discussed in more detail later in this report.

Having regard to the above discussion and the development's response to relevant requirements of the DCP, the proposal is considered to be complementary.

1.8. Non-statutory Matters

Interim Nitrous Oxide Cogeneration Policy for Sydney and the Illawarra

The proposed Minto NSS would use internal combustion engines (ICE) for electricity generation. These engines are commonly used in cogeneration and trigeneration

applications and while it is not proposed to use the engines in these modes at Minto, the EPA have indicated to Council and the applicant that their *Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra, 2011* (EPA, 2011) would apply to the development. One of the concepts introduced in the interim policy is best available techniques (BAT) emission performance.

A Nitrous Oxides (NO_X) emission standard of 250 mg/m^3 applies to all natural gas fired reciprocating internal combustion engines with a capacity to burn less than 7 MJ/s in the Sydney and Wollongong Metropolitan Area and Wollondilly Local Government Area. Noting that this project is greater than 7 MJ/s but is not a cogeneration/trigeneration plant and will operate at a reduced capacity factor compared with a typical cogeneration/trigeneration plant, a project specific BAT assessment has been undertaken to assess the cost effectiveness of NO_X emission controls.

The BAT assessment report was submitted with the application and has been reviewed by the EPA and has been used to formulate its general terms of approval for the proposal. The BAT reviews the proposal, alternatives to the proposal (including post combustion treatments, such as selective catalytic reduction to reduce NO_x output) and discusses the environmental impacts of each, particularly the air quality impacts.

The EPA has accepted the applicant's assertion that selective catalytic reduction at the site would be prohibitively expensive and has therefore set the maximum limit of NO_x output to the 250 mg/m^3 as detailed in the interim Policy. This maximum is reflected in the EPA's general terms of approval, which are referenced in the recommended conditions of consent.

Campbelltown 2025 – 'Looking Forward'

Campbelltown 2025 – 'Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like
- Recognises likely future government policies and social and economic trends
- Sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic direction relevant to this application is:

- Creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic direction as the proposal would provide employment opportunities within the construction industry, and would permit the construction of an industrial development that would support the creation of employment opportunities as part of the operation of business that will operate from the site.

The relevant desired outcome of the strategic directions included in Campbelltown 2025 is:

- Development and land use that matches environmental capacity and capability.

The application is not considered to be inconsistent with the above desired outcome as the proposal's intention to use the internal space of an existing building and its proximity to existing infrastructure responds to the site's context and constraints. Furthermore, the proposed development would not result in any greater aesthetic impacts upon the public domain.

2. Impacts on the Natural and Built Environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The principal matters for consideration in relation to the development's potential impact on the natural and built environment are its effects on air quality and its noise generation.

2.1. Air Quality

The internal combustion engines used for the 'gen sets' would be fuelled by natural gas. Combustion of the gas in the engines to provide energy for their reciprocation would generate various gases that are expelled into the atmosphere. These gases include (but are not limited to) carbon dioxide, ozone, water, oxides of nitrogen, carbon monoxide and certain volatile organic compounds.

Of particular interest is the quantity of nitrous oxides (NO_x) and 'greenhouse gases' produced at the site during operation of the engines. To ascertain the extent of potential emissions and their potential impact on existing conditions in the region, an air quality assessment was undertaken by the applicant in accordance with the *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW (DEC, 2005)*. The Level 2 assessment is defined as a "refined dispersion modelling assessment using site-specific input data".

The assessment sought to undertake:

- A review of air quality issues associated with the development;
- A description of meteorology and existing air quality;
- Determine the air quality criteria relevant to the project;
- Model air dispersion of pollutants using the CALPUFF (v6.42) model; and
- Assess air quality impacts and if necessary, identify of any air pollution controls required.

As mentioned earlier in this report, modelling used in the assessment assumes constant running of the engines (a "worst case" scenario), which by the applicant's own assertion, is very unlikely to actually occur.

The following is an extract of the report which summarises its findings:

- *The proposed site for the Minto NSS is in the middle of an industrial area adjacent to a railway line and appears ideally suited for the proposed purpose.*

- *Air quality criteria are stipulated in the Office of Environment and Heritage method* Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC, 2005) *and the NSW EPA's* Level 1 Screening Procedure Tool for Estimating Ground-Level Ozone Impacts from Stationary Sources in the NSW Greater Metropolitan Region*. Air dispersion modelling was conducted to predict the potential impacts of the NSS.*

- *Thresholds for the mandatory reporting of greenhouse gas (GHG) emissions are set in the National Greenhouse and Energy Reporting Act 2007. The estimated annual GHG emissions from the proposed operating regime is 5,124 tonnes of CO2-e per annum with an emission intensity of 0.498 t CO2e/kWh which is approximately 50 % of the NSW grid average intensity. This is below the relevant NGER reporting thresholds.*

- *Predicted nitrogen dioxide (NO_2) the results show that on a 1 hour basis and annual average basis the cumulative impact of the project when added to background NO_2 levels are well below relevant air quality criteria:*

    - *Hourly basis: the predicted maximum incremental impact due to the NSS is 50 µg/m^3, the maximum background level of 101 µg/m^3, resulting in a maximum cumulative impact of 151 µg/m^3. This is well below the criteria of 246 µg/m^3.*

    - *Annual basis: the predicted incremental impact due to the NSS is 2 µg/m^3, the background level is 22 µg/m^3, resulting in a cumulative impact of 24 µg/m^3. This is well below the criteria of 62 µg/m^3.*

- *Predicted levels of ozone (O_3) from the screening level assessment shows maximum incremental impacts for both 1 hour and 4 hour O_3 impacts being less than 0.2 ppb against the screening impact level (SIL) of 0.5 ppb and maximum allowable increase of 1 ppb as defined by the screening procedure. As such no detrimental project impacts on ambient O_3 concentrations are anticipated and no further detailed assessment is considered necessary.*

On the basis of the above, the report concludes that the proposed Minto NSS will not lead to significant negative air quality or greenhouse gas impacts in the surrounding environment.

The application was forwarded to the EPA as the development is considered a 'scheduled premises' pursuant to the POEO Act. Accordingly, the EPA is the regulatory authority for licensing of the development. The EPA considered the documentation supplied by the applicant and upon receipt of additional information (in regards to the BAT and compliance with the POEO Clean Air Regulation), has issued its general terms of approval for the development, subject to monitoring, reporting and control of exhaust emissions to within strict parameters. The general terms of approval are referenced directly in the recommended conditions of consent.

Having regard to the assessment undertaken by the applicant and its acceptance by the EPA, the proposal is considered to be acceptable on air quality grounds. Although the development would increase NO_x and greenhouse gas generation within the area, the benefits of the development and its efficiency in comparison to coal-fired power for network support as well as the in-built monitoring and pollution control requirements of the EPA would mean that it operates to achieve the best outcome for consumers of electricity and the environment.

2.2. Noise

The other main potential impact of the development is the noise associated with the running of the engines and their cooling systems.

As illustrated in Attachments 4 and 5, the 'gen sets' would be located within solid enclosures, which would have an immediate effect on reducing their noise output. However, to enable cooling, induction and exhausting, apertures and other openings would be required within the structures, which would enable noise to escape from the generators. Information supplied by

the ‘gen set’ manufacturer states that the noise design target for the unit itself is 70dB(A) at 1 metre from the enclosure, which is equivalent to a ‘loud conversation’.

The applicant has undertaken a noise impact assessment, which considered:

- The existing noise environment
- Two operating scenarios of the generators and their cooling equipment
- The impact on industrial and residential noise receivers
- Ameliorative measures that may be undertaken to reduce the development’s impact.

The two operating scenarios that were tested include those during which the number of fans operating and the number of fan revolutions per minute (RPM) would differ on the external heat exchangers.

The modelling concentrated on the nearest industrial building (the building currently on the same site as the proposal, approximately 12 metres north) and a nearby residential building, which is located on Kimberley Street, Leumeah (approximately 670 metres south east).

The modelling finds that provided certain acoustic measures are installed in the building itself and the exhaust outlets of the engines, the development will not have an adverse impact on adjoining properties.

The EPA has acknowledged the development’s potential to generate noise in its general terms of approval for the development. The general terms of approval require the applicant to install appropriate fittings to the building and equipment to reduce the site’s noise impact potential. Further, the EPA sets the noise criteria for the development at set locations and also requires the submission of a ‘Building Acoustic Treatment Plan’ within two months of the date of consent, which guarantees and stipulates the exact methods proposed to ensure compliance with the set noise limits.

Upon consideration of the above and the EPA’s general terms of approval, the proposal’s potential to impact its surroundings detrimentally as a result of noise is not considered to be significant.

3. Site Suitability

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to assess the suitability of the site for the proposed development.

The land is zoned for, and presently used for industrial purposes and is surrounded by similar land uses. Further, the site is bounded by the Main Southern Railway and Southern Sydney Freight Line, a working intermodal freight terminal and an existing electricity substation, making it an ideal location for the proposed facility. This opinion is formed having regard to its proximity to existing electrical infrastructure, its distance from sensitive residential receivers (approximately 550 metres away) and the industrial nature of the locality in which the development would be located.

Accordingly, the site is considered to be suitable for the proposed development.

4. Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to consider submissions made to the proposal.

The application was notified and publicly exhibited between 13 December 2013 and 31 January 2014. The application was notified directly to nearby and adjoining owners and via public notice in local print media in accordance with the requirements for 'nominated integrated development'.

During the exhibition period, no submissions on the proposal were received. However, subsequent to closure of the exhibition period, a submission from Campbelltown City Council was forwarded to the Panel for its consideration. It should be noted that the submission came following the Council's consideration of a report prepared by officers (excluded from the assessment of the application). The report did highlight some shortcomings in the application which have since been remedied by way of provision of additional information by the applicant in response to Council and the EPA's requests for such after the 'submission report' was prepared.

The submission requested that the Panel not approve the development as "Council is concerned in particular over a range of issues relating to emissions and any potential impacts on community health".

The specific issues raised in the submission are detailed and discussed below:

- *Permissibility of the proposed development:*

The submission queries permissibility of the proposed development, presumably in reference to its compliance (or otherwise) with Council's zoning requirements.

The site is zoned as 4(a) – General Industry Zone pursuant to Council's local environment plan as mentioned in Section 1.6 of this report. The 'best fit' definition of the proposal is 'industry' as although there is a definition provided for 'utility installation', which would ordinarily include electricity generation, the land use specifically applies to a public undertaking, which does not apply in this instance. 'Industry' is a permissible use with consent in the zone.

- *The application does not demonstrate compliance with SEPP 33 or provide information on how emergencies would be detected and treated:*

Section 1.3 of this report discusses SEPP 33 and its relationship to the proposed development. The use of the site is not considered to be hazardous or potentially hazardous.

Notwithstanding the above comment, the recommended conditions of consent require the applicant to demonstrate and install equipment/systems that will ensure active shut-off of the natural gas supply in the event of an equipment failure or other emergency that may endanger property and employees.

- *Inconsistency with building plans and documentation with regard to acoustic protection and potential noise impacts on the locality:*

The EPA's general terms of approval require the submission of a final acoustic treatment plan for the building to be submitted prior to operation. The EPA has set maximum noise criteria and these would be enforceable as part of the site's 'environment protection licence'.

The work undertaken by the applicant demonstrates that operation of the facility at night would not impact on residential receivers, which are at least 550 metres away from the site.

- *The application does not address deficiencies in the existing landscaping on the site:*

A recommended condition of consent requires the applicant to embellish the landscaping strip at the rear of the property to enhance its physical appearance and decrease potential for graffiti attack of the external equipment.

- *No details or consideration has been provided with regards to the potential impacts of gas infrastructure works required as a result of the development:*

The applicant has undertaken detailed consultation with Jemena, the area's natural gas infrastructure supplier as part of the site's initial selection. As a result of these discussions, the applicant is confident that appropriate infrastructure would be available to the facility to supply the quantity of gas required at an appropriate pressure.

Embellishment of the gas supply infrastructure is outside the scope of this assessment and is a matter for the public utility authority.

5. The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires consent authorities to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of desired environmental and built form outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

In this instance, the proposal is for a utility undertaking, that while not being undertaken by a public entity, is ultimately being provided for public benefit as the NSS would be designed and operated to ensure that potential 'brown outs' or other power shortages in its vicinity are reduced, if not, eliminated in the short term.

The application is considered to have satisfactorily addressed relevant Council and State Government requirements and controls for development in this area.

Conclusion

Council has received a development application for the fit out and use of an existing industrial building to generate electricity. The electricity would be generated using natural gas powered engines and associated equipment and is intended to operate to assist the existing electricity network during times of peak demand (usually in the afternoon and evening on summer days).

The engines and generating equipment would be located inside the existing building while some cooling apparatus and exhaust components would be located externally. The site is located within an industrial area and adjoins an existing electricity substation and a railway corridor. The network support substation would be connected to the existing electricity network via underground cabling at the site.

The application has been submitted with detailed air quality and noise impact assessment reports, which address the proposal's primary likely impacts on the natural and built environment.

The NSW Environment Protection Authority has taken a lead role in the project's assessment and has considered its potential impact on local air quality through emission of nitrous oxides and 'greenhouse gases' as well as the development's potential to increase noise in the area.

After requesting additional information and some minor amendments from the applicant, the EPA has provided Council with its general terms of approval for the development. The general terms of approval stipulate the Authority's requirement for emission volumes, emission types, noise emissions and controls as well as ongoing monitoring and reporting as the electricity generation takes place. An 'environment protection licence' would need to be issued by the EPA prior to the plant's operations commencing, pursuant to the *Protection of the Environment Operations Act 1997*.

A submission was received that requests the JRPP does not approve the application. The submission made the request on the grounds that there is concern "over a range of issues relating to emissions and any potential impacts on community health".

The majority of matters raised in the submission are addressed by the conditions imposed by the EPA and its ongoing monitoring regime that would be implemented should the JRPP issue development consent. Other matters raised are noted in conditions of consent that require the applicant to develop a range of plans to implement security, safety and monitoring measures to ensure the site and the land use is safe for visitors and nearby industrial land uses.

The application has been assessed against relevant State and Local planning controls and is considered to be compliant subject to the implementation of conditions of consent and the EPA's general terms of approval.

Officer's Recommendation

Accordingly, it is recommended that development application 2325/2013/DA-I (JRPP ref. 20131SYW115) for fit out and use of an existing industrial building to generate electricity at 15 Huntsmore Road, Minto be approved, subject to the conditions detailed in Attachment 1.

ATTACHMENT 1
2325/2013/DA-I
Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified by any conditions of this consent.

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

4. Security Fencing

No barbed wire style fencing is to be erected in a location that can be seen from a public place.

5. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

6. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby premises and rail corridor.

7. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with *Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids*.

8. Liquid Storage

Liquid storage areas within the building shall be bunded to prevent the escape of any pollutants into Council's stormwater drainage system. A spill kit shall be made available at the site for staff to use while maintaining the equipment.

10. Unreasonable Noise and Vibration

The development shall be conducted so as to avoid the generation of unreasonable noise or vibration and cause no interference to adjoining or nearby occupants.

The applicant shall adhere to the requirements of the EPA's general terms of approval and monitoring of noise levels emanating from the site at all times.

10. Electrical Isolation

The applicant shall ensure that the site is continually isolated from interference (or interfering with) the electricity supply contained within the Main Southern Railway corridor.

11. Safety and Security

Prior to the works commencing for the installation of equipment associated with the development, the applicant shall submit a report/statement for Council's reference which details the following procedures to ensure the safety of nearby personnel and property during the operational phase of the facility:

- Discussion and implementation of relevant Department of Planning 'Hazardous Industry Advisory Paper' practices;
- Details of shutdown procedures for the engines and their natural gas supply in the event of an emergency;
- Details of latent fire fighting equipment installed at the site (if required);
- Details of alarms and monitoring, remote access and other controls provided to ensure safe operation of the generators.

PRIOR TO THE ISSUE COMMENCEMENT OF OPERATIONS

The following conditions of consent must be complied with prior to the commencement of electricity generation at the site.

12. Public Utilities

Prior to the commencement of operations, any adjustments to public utilities required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

13. Landscaping

Prior to operations commencing, the applicant shall provide for additional screen tree landscaping in the area identified in red ink on the approved site plan.

The tree plantings shall be maintained until established. The species selected for planting at the site shall incorporate a significant portion of native, low water demand plants.

14. Pre-Commencement Safety

Prior to the use of the site commencing, the applicant shall install and make ready all devices/procedures required to ensure the safety of the site and its surrounds.

15. Section 94A Developer Contribution - Community Facilities and Services

Prior to the commencement of operations at the site, the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds $100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is $500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds $100,000.

16. General Terms of Approval – Environment Protection Authority

The General Terms of Approval issued by the NSW Environment Protection Authority on 30 April 2014 (ref: SF13/5507:DOC14/31258-01:GN) form part of this development consent and shall at all times be read in conjunctions with the conditions contained herein.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 2. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 3. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or
planning activities.

Advice 4. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

ATTACHMENT 1

NOVAPOWER, HUNTSMAN ROAD, MINTO

General Terms of Approval

The Environment Protection Authority (EPA) considers that the following conditions are essential to ensuring the facility is capable of achieving the appropriate environmental outcomes. The EPA proposes to incorporate the following conditions into to an Environment Protection Licence (EPL) if Development Consent is granted and if an EPL application is approved.

Administrative conditions

A1 Information supplied to the EPA

A1.1 Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the proposal contained in the:

a) Development Application - 2325/2013/DA-1 submitted to Campbelltown City Council on 15 November 2013
b) Statement of Environmental Effects (SEE) prepared by SKM dated October 2013; and
c) Additional information dated 12 March 2014.

Discharges to air and water and applications to land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air or water from the point.

Air

EPA Identification No	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air Emissions Monitoring	Discharge to Air	Engine 1 Exhaust Outlet
2	Air Emissions Monitoring	Discharge to Air	Engine 2 Exhaust Outlet
3	Air Emissions Monitoring	Discharge to Air	Engine 3 Exhaust Outlet
4	Air Emissions Monitoring	Discharge to Air	Engine 4 Exhaust Outlet

Note 1: A Site Map must be provided with the EPL application identifying the location of discharge and monitoring point/s. This must include eastings and northings for all points.

Limit conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with Section 120 of the Protection of the Environment Operations (POEO) Act 1997.

L2 Concentration limits

L2.1 For each monitoring/discharge point specified in the table\s below (by a point number), the concentration of a pollutant discharged at that point must not exceed the concentration limits specified for that pollutant in the table.

POINT 1 - 4

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both, as NO_2 equivalent	mg/m^3	250	Dry, 273K, 101.3kPa, 5% O_2	1-hour block
Volatile Organic Compounds (VOCs), as n-propane	mg/m^3	40 or 125 mg/m^3 (Carbon Monoxide)	Dry, 273K, 101.3kPa, 5% O_2	1-hour rolling

L3 Noise

L3.1 Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Figure 2.1 and 3.1 of the document by SKM titled *Minto NSS: Environmental Noise Assessment* and dated 27 September 2013.

		NOISE LIMITS dB(A)			
Locality	Location	Day	Evening	Night	
		$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{A1\ (1\ minute)}$
Location 1	46 Kimberley Road, Minto. (Residential)	50	48	46	59
Location 2	18 Huntsmore Road, Minto (Industrial)	70	70	70	
Any other	Any other sensitive receiver	50	48	46	59

L3.2 For the purpose of Condition L3.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays
- Evening is defined as the period 6pm to 10pm
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L3.3 The noise limits set out in Condition L3.1 apply under all meteorological conditions except for the following:

a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
c) Stability category G temperature inversion conditions.

L3.4 To determine compliance:

a) with the $L_{eq(15\ minute)}$ noise limits in Condition L3.1, the noise measurement equipment must be located:
   - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
   - within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
   - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

b) with the $L_{A1(1\ minute)}$ noise limits in Condition L3.1, the noise measurement equipment must be located within 1 metre of a dwelling façade; and

c) with the noise limits in Condition L3.1, the noise measurement equipment must be located:
   - at the most affected point at a location where there is no dwelling at the location; or
   - at the most affected point within an area at a location prescribed by Conditions L3.1.

L3.5 A non-compliance of Condition L3.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by Conditions L3.1; and/or
- at a point other than the most affected point at a location.

L3.6 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L4 Potentially offensive odour

L4.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the POEO Act 1997.

Note: Section 129 of the POEO Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant EPL as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Operating conditions

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.
This includes:

a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and

b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

a) must be maintained in a proper and efficient condition; and

b) must be operated in a proper and efficient manner.

O2.2 The licensee must carry on any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.

O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O4 Gas Engines

O4.1 Gas engines must only operate in conjunction with exhaust stacks that are a minimum of 12 metres above ground level and with a minimum exit velocity of 30 metres per second.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:
a) in a legible form, or in a form that can readily be reduced to a legible form
b) kept for at least four years after the monitoring or event to which they relate took place; and
c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
a) the date(s) on which the sample was taken
b) the time(s) at which the sample was collected
c) the point at which the sample was taken; and
d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

Point 1 (or 1 engine exhaust which is representative of all engines)

Pollutant	Units of measure	Frequency	Sampling Method
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both, as NO_2 equivalent	mg/m^3	Post commissioning and Annual	TM-11
Volatile Organic Compounds (VOCs), as n-propane	mg/m^3	Post commissioning and Annual	TM-4
Carbon monoxide	mg/m^3	Post commissioning and Annual	TM-32
Moisture	%	Post commissioning and Annual	TM-22
Molecular weight of stack gases	g/g.mol	Post commissioning and Annual	TM-23
Oxygen	%	Post commissioning and Annual	TM-25
Temperature	°C	Post commissioning and Annual	TM-2
Velocity	m/s	Post commissioning and Annual	TM-2
Volumetric flow rate	m^3/s	Post commissioning and Annual	TM-2
Selection of sampling positions	-	-	TM-1

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:
a) the date and time of the complaint
b) the method by which the complaint was made
c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
d) the nature of the complaint
e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record must be produced to any authorised officer of the EPA who asks to see them.

M4.4 The record of a complaint must be kept for at least four years after the complaint was made.

M5 Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 The preceding two conditions do not apply until three months after:
a) the date of the issue of this licence; or
b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under Clause 10 of that regulation.

Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
a) a Statement of Compliance; and
b) a Monitoring and Complaints Summary.
At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:
a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify:
a) the assessable pollutants for which the actual load could not be calculated; and
b) the relevant circumstances that were beyond the control of the licensee.

R1.7 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least four years after the Annual Return was due to be supplied to the EPA.

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
a) the licence holder; or
b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.9 A person who has been given written approval to certify a Certificate of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

R2 Notification of environmental harm

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within seven days of the date on which the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
a) where this licence applies to premises, an event has occurred at the premises; or
b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence;
and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:
a) the cause, time and duration of the event
b) the type, volume and concentration of every pollutant discharged as a result of the event
c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event
d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort
e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants
f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Hours of operation

R4.1 The licensee must monitor and report the operating hours for each engine. The dates, times, length of operation, and total annual hours of operation must be monitored and recorded. This information must be submitted each year with the annual return.

General Conditions

G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

Special Conditions

E1 Building Acoustic Treatment Plan
Background
The SEE incorporated noise modelling with a "modified building envelope" to achieve the relevant noise criteria at 16 Huntsmore Road, Minto, the nearest industrial building. These modifications included a lined roof and walls. Also the SEE stated that other modifications would be required to accommodate any engine venting. That is, acoustic louvers and exhaust fans fitted with attenuators. The Proponent has requested that other acoustic treatments also be considered as alternatives to these items. The condition below requires the development of an Acoustic Treatment Plan which considers a range of noise mitigation options to achieve the relevant noise criteria

Requirements
E1.1 By two months from the date of any development consent, the Proponent must submit a Building Acoustic Treatment Plan to the EPA to achieve the relevant noise criteria (listed as 70 dB(A) in the SEE). The plan must consider installation of acoustic louvers, exhaust fans fitted with attenuators, and lining the building walls and roof.

E1.2 Following EPA approval of the plan and prior to the commencement of operations, the Proponent must confirm in writing to the EPA that the measures listed in the Building Acoustic Treatment Plan have been installed.

Note: If the Operational Noise Compliance Verification (Conditions E2) or any other noise compliance monitoring shows the operational plant does not achieve the limits listed in Condition L3 Noise, EPA proposes to require additional noise mitigation measures.

E2 Operational Noise Compliance Verification

E2.1 By three months following the commencement of operations, the Proponent must submit a report of a Noise Monitoring Program to confirm the findings of the Noise Impact Assessment included in the Environmental Assessment, and demonstrate compliance with Condition L3.1. The assessment must be prepared by a suitably qualified acoustical consultant and undertaken in accordance with the EPA Industrial Noise Policy.

E2.2 If the noise monitoring identifies any non-compliance with Condition L3.1, the Proponent must detail what additional measures will be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the EPA.

E3 Air Quality Verification

E3.1 By four months following commissioning, the Proponent must submit an Air Quality Verification Report (Report) confirming the findings of the AQIA and compliance with Condition L1.

E3.2 The assessment must be:

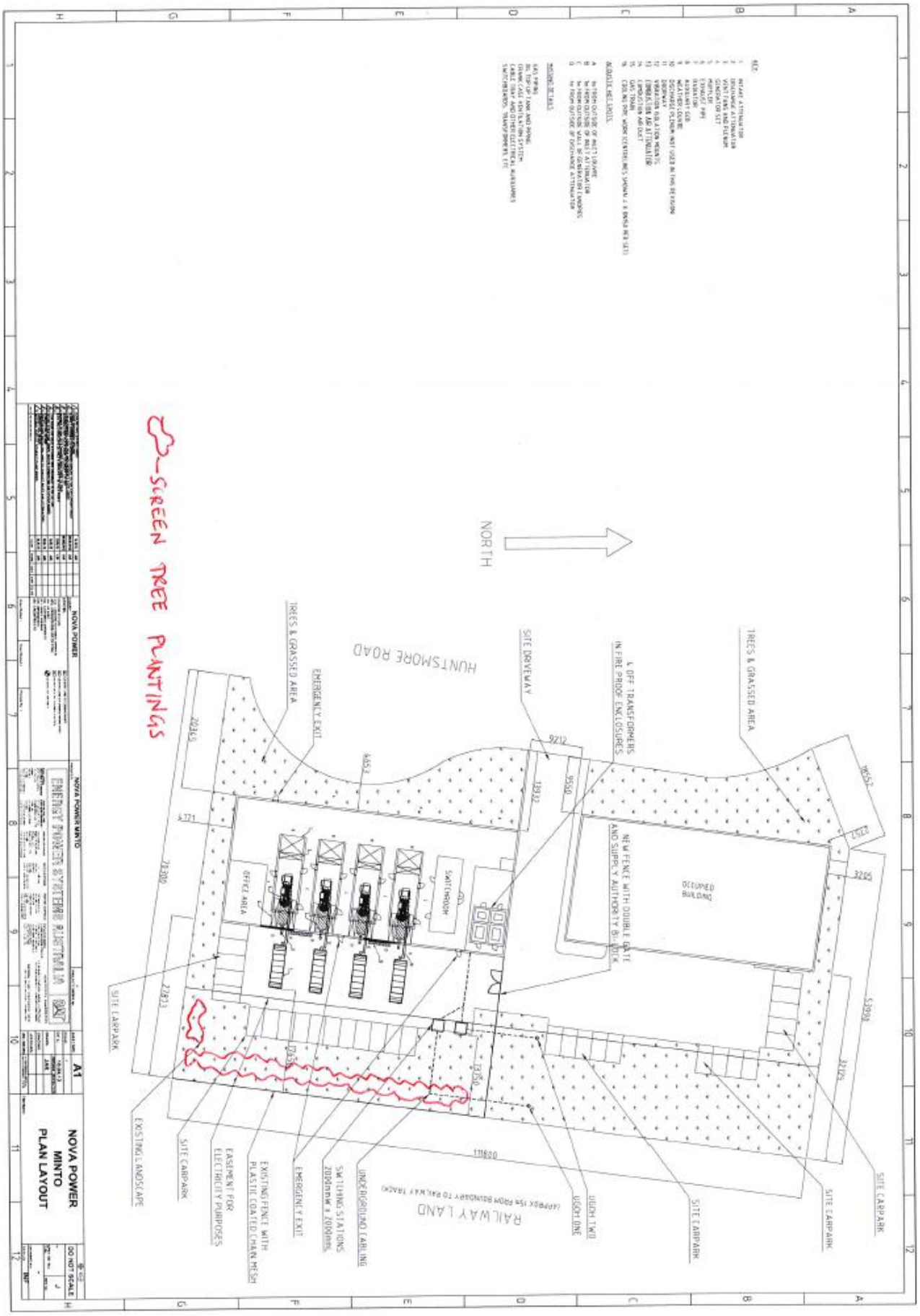
a) prepared in consultation with the EPA
b) prepared by a suitably qualified consultant; and
c) any monitoring must be in accordance with the *EPA Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

E3.3 If the Air Quality Verification Program identifies any emissions in excess of those reported in the SEE or the L1 limits, the Proponent must detail what additional measures could be implemented to achieve the limits, clearly indicate who could implement these measures, when these measures could be implemented, and how the effectiveness of these measures could be measured and reported to the EPA.

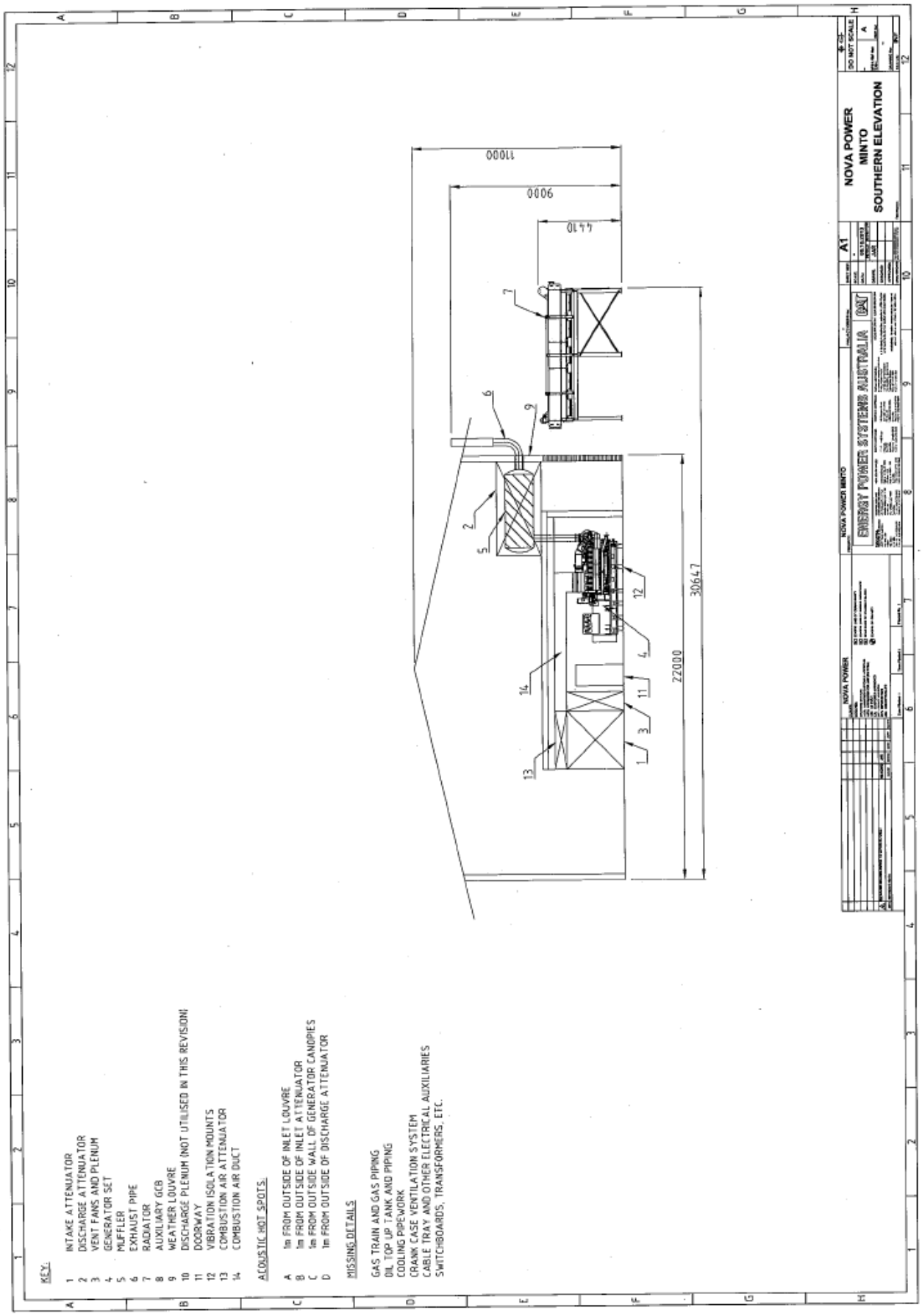
END OF CONDITIONS

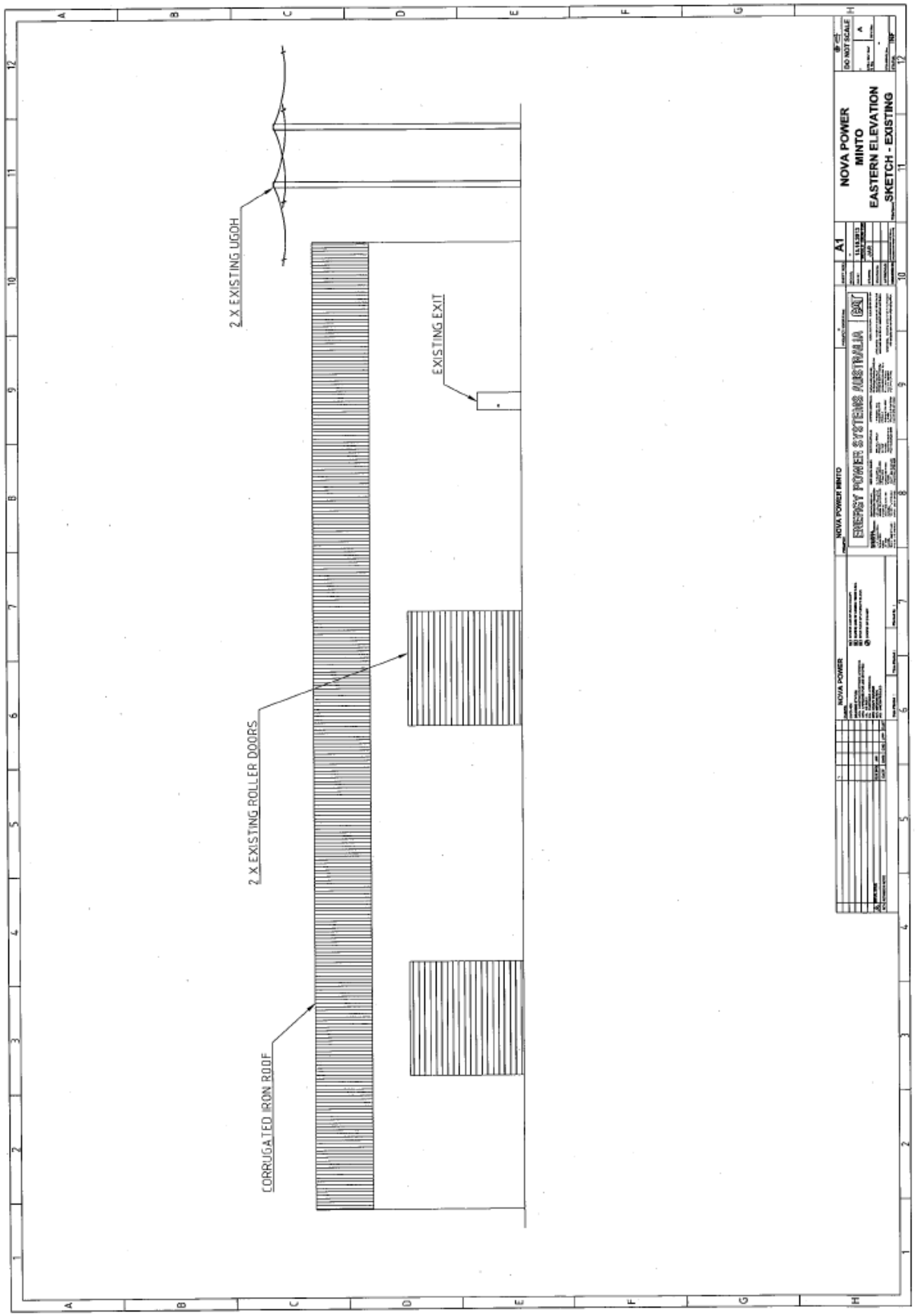
ATTACHMENT 2

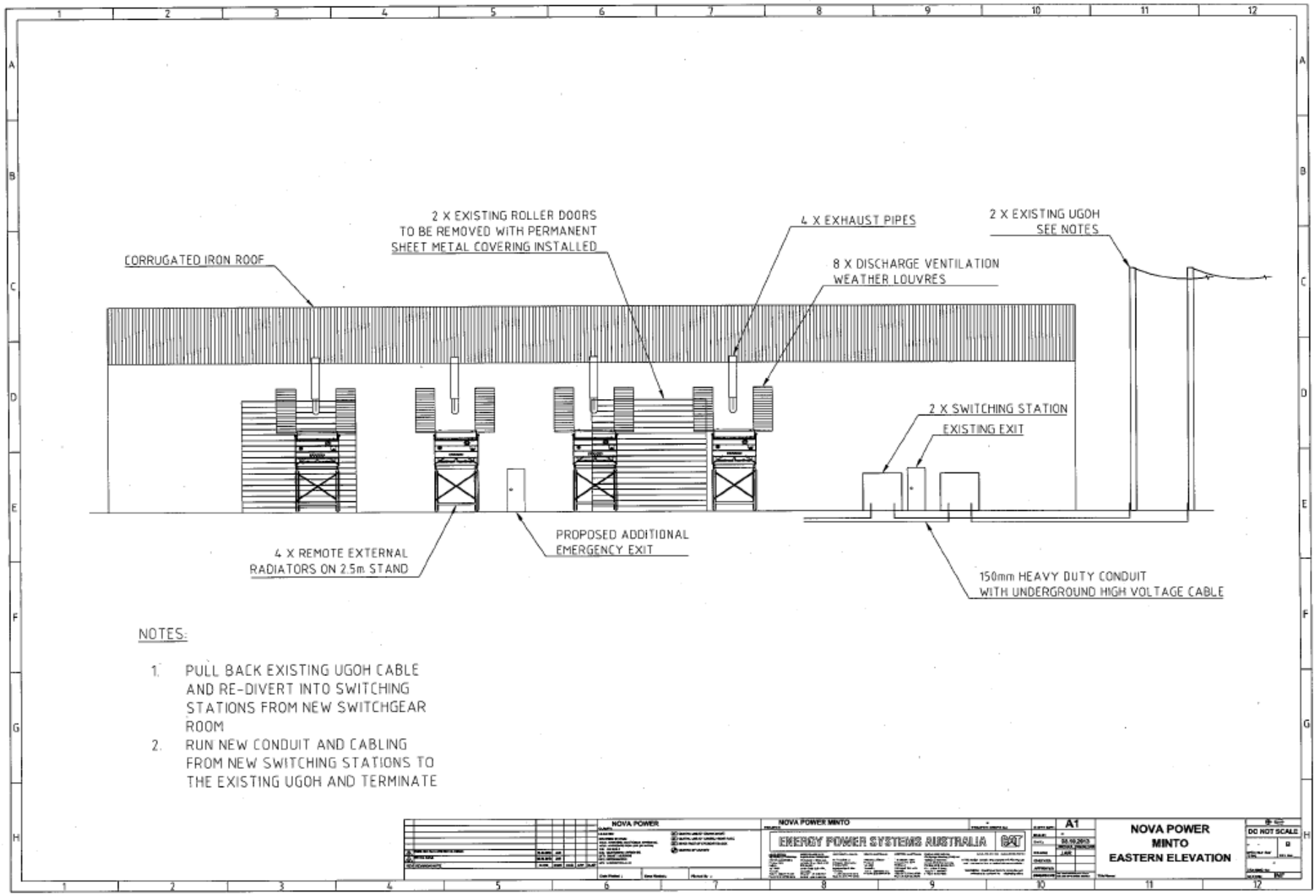
ATTACHMENT 3



ATTACHMENT 4




2 X EXISTING UGOH
EXISTING EXIT
2 X EXISTING ROLLER DOORS
CORRUGATED IRON ROOF
NOVA POWER
MINTO
EASTERN ELEVATION
SKETCH - EXISTING
A1
DO NOT SCALE
NOVA POWER MINTO
ENERGY POWER SYSTEMS AUSTRALIA


2 X EXISTING ROLLER DOORS
TO BE REMOVED WITH PERMANENT
SHEET METAL COVERING INSTALLED
4 X EXHAUST PIPES
2 X EXISTING UGOH
SEE NOTES
CORRUGATED IRON ROOF
8 X DISCHARGE VENTILATION
WEATHER LOUVRES
2 X SWITCHING STATION
EXISTING EXIT
4 X REMOTE EXTERNAL
RADIATORS ON 2.5m STAND
PROPOSED ADDITIONAL
EMERGENCY EXIT
150mm HEAVY DUTY CONDUIT
WITH UNDERGROUND HIGH VOLTAGE CABLE
NOTES:
1. PULL BACK EXISTING UGOH CABLE AND RE-DIVERT INTO SWITCHING STATIONS FROM NEW SWITCHGEAR ROOM
2. RUN NEW CONDUIT AND CABLING FROM NEW SWITCHING STATIONS TO THE EXISTING UGOH AND TERMINATE
NOVA POWER
NOVA POWER MINTO
ENERGY POWER SYSTEMS AUSTRALIA
A1
NOVA POWER
MINTO
EASTERN ELEVATION
DO NOT SCALE

EXISTING CORRUGATED IRON CLADDING
POTENTIAL TO REPLACE WITH WEATHER LOUVRE
SIMILAR TO EXISTING FOR MACHINE VENTILATION
EXISTING GLASS ENTRANCE
TO BE REPLACED WITH WEATHER
LOUVRE SIMILAR TO THOSE EXISTING
FOR MACHINE VENTILATION
CONCRETE PANEL CONSTRUCTION
12 X EXISTING WEATHER
LOUVRES TO BE UTILISED
FOR MACHINE VENTILATION
CORRUGATED IRON ROOF
EXISTING GLASS ENTRANCE
TO BE LEFT AS IS
NOVA POWER
MINTO
WESTERN ELEVATION
A1
DO NOT SCALE
NOVA POWER LIMITED
ENERGY POWER SYSTEMS AUSTRALIA PTY

ATTACHMENT 5