

## EPA REPORT 1399

Hon. Bill Marmion MLA  
Minister for Environment; Water  
10<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
**WEST PERTH WA 6005**

Dear Minister

### **ASSESSMENT REPORT ON THE APPLICATION BY VERVE ENERGY FOR AMENDMENT TO THE ENVIRONMENTAL PROTECTION (PINJAR GAS TURBINE STATION NOISE EMISSIONS) APPROVAL 2004 – REGULATION 17 REPORT 21**

The Environmental Protection Authority (EPA) has completed its assessment of the application to amend the Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004 made by Verve Energy to the Minister for Environment on 8 February 2011, and which was referred to the EPA for assessment on 11 April 2011.

#### **BACKGROUND**

A Noise Regulation 17 approval – the Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004 ('the Approval') – was granted to Western Power Corporation in 2004. The Approval allows the noise emission levels from the gas turbine station located on Lot 11191 Perry Road, Nowergup to exceed or vary from the standard prescribed by regulation 7(1) of the Noise Regulations, over a small area of the adjacent reserve.

Since the Approval was granted in 2004 there have been two changes of an administrative nature that have implications for it. One is that the Transfer Provisions of the *Energy Operators Act 2005* have transferred the old Western Power's obligations under this Approval to the Electricity Generation Corporation trading as Verve Energy.

The second change is that Lot 11191 Perry Road has now been subdivided into two lots, Lot 500 and Lot 501. Lot 500 is the location of Pinjar Gas Turbine Station and has been transferred to Verve Energy. Lot 501 has been transferred to the current Western Power as its Pinjar Switchyard: this facility does not require an approval under Regulation 17 of the noise regulations.

In order that the Approval should reflect these changes, Verve Energy wrote to the Minister for Environment on 8 February 2011 requesting amendment of the Approval.

The EPA's assessment of the application has therefore been conducted on this basis, and this letter forms the EPA's advice under Regulation 17(3)(b).

#### **ASSESSMENT ADVICE**

The EPA has received advice from the Department of Environment and Conservation (DEC) Noise Regulation Branch in relation to the information provided by Verve Energy in support of its application. The DEC has reviewed the grounds of the amendment request and confirmed that the noise emissions remain unchanged, thus the application has no implications in terms of noise emissions, but is purely of an administrative nature.

The DEC has recommended the following amendments:

1. The definition of "Pinjar Gas Turbine Station" under Clause 3 Interpretation is changed from:
  - "**Pinjar Gas Turbine Station**" means the premises known as Lot 11191 Perry Road, Nowergup in the City of Wanneroo;
  - to:
    - "**Pinjar Gas Turbine Station**" means the premises known as Lot 500 on Plan 59628, Perry Road, Pinjar WA 6065.
  
2. The term "**Western Power**" under Clause 3 Interpretation is changed from:
  - "**Western Power**" means the body corporate continued under the name of Western Power Corporation by section 4 of the *Electricity Corporation Act 1994*
  - to:
    - "**Verve Energy**" means the Electricity Generation Corporation (trading as Verve Energy), ABN 586 738 30106.
  
3. Throughout the Approval, 'Western Power' is changed to 'Verve Energy'.

Accordingly, the EPA recommends that the Minister:

- (a) Authorise the DEC Noise Regulation Branch to obtain assistance from the Parliamentary Counsel's Office for the drafting of an amendment to the Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004 in accordance with the suggested amendments above, by signing the attached letter.
- (b) Approve the amendment to Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004, by signing the Approval once drafted by Parliamentary Council Office.

Yours sincerely

**Dr Paul Vogel**  
CHAIRMAN

17 May 2011

Encl.

(EPA Reference: John Macpherson, DEC)

DIRECTOR-GENERAL  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Attention: John Macpherson, Noise Regulation Branch

**VERVE ENERGY – APPROVAL TO COMMENCE DRAFTING OF AN  
AMANEDMENT TO ENVIRONMENTAL PROTECTION (PINJAR GAS TURBINE  
STATION NOISE EMISSIONS) APPROVAL 2004**

I refer to the Environmental Protection Authority's recommendations, regarding an application by Verve Energy under regulation 17 of the *Environmental Protection (Noise) Regulations 1997* for amending the Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004.

Approval to obtain assistance from the Parliamentary Counsel's Office for the drafting of the amendment to the Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004 is granted.

**HON BILL MARMION MLA  
MINISTER FOR ENVIRONMENT; WATER**