



Appeals Convenor
Environmental Protection Act 1986

**REPORT TO THE
MINISTER FOR ENVIRONMENT**

**APPEALS IN OBJECTION TO THE CONDITIONS APPLIED TO A WORKS
APPROVAL**

**W6378/2020/1: ESPERANCE GAS-FIRED POWER STATION
121 HARBOUR ROAD, CHADWICK**

APPLICANT: CONTRACT POWER AUSTRALIA PTY LTD

Appeal Numbers 049.001–004 of 2020

January 2021

Appeals Summary

This report relates to four appeals in objection to the conditions applied to works approval W6378/2020/1 by the Department of Water and Environmental Regulation (DWER) for the Esperance Gas-fired Power Station. Contract Power Australia Pty Ltd is the works approval holder.

Broadly the appellants objected to air, noise and groundwater emissions from the premises, also submitting that insufficient consultation had been undertaken with the Shire of Esperance. Other matters raised by the appellants included planning approvals, location and transport.

DWER advised that the modelling results indicate that air emissions will comply with the relevant National Environmental Protection Measure (NEPM) criteria at sensitive receptors in proximity to the premises. DWER also advised that the risk of human health impacts as a result of air emissions is low. It is noted that the works approval requires that the infrastructure is installed in accordance with the relevant standard and that air emissions from specified points are monitored. It is expected that this data will be used to verify that the premises operates as anticipated in DWER's assessment.

In relation to noise emissions, and as noted by the appellants, the Decision Report accompanying the works approval states that the modelling may have underestimated the noise impacts. On this basis, DWER determined that the risk rating of noise emissions resulting in public amenity impacts was medium and required the following conditions:

- each gas generator is stored in an individual, enclosed acoustic container, and that the container is fitted with exhaust silencers (condition 1).
- verification monitoring and reporting to compare actual noise levels with model predictions and confirm compliance with the Noise Regulations (conditions 14 and 15).
- if the operation of the premises causes noise received by sensitive receptors to exceed the assigned levels, a plan is to be developed to rectify this (condition 16).

In relation to groundwater, appellants raised concerns regarding impacts to the nearby Esperance Public Drinking Water Special Area. DWER advised that the risks to groundwater are low and the infrastructure controls required by the works approval will prevent discharge of hydrocarbons to the environment.

Having considered the information provided on appeal, it is considered that DWER has appropriately considered the potential risks associated with the premises and applied proportionate controls to manage and mitigate the identified risks. However, to ensure that DWER is in position to enable proactive management of noise emissions at the premises, it is considered that the conditions should be amended to require that the noise report and plan required under conditions 14, 15 and 16 to be submitted to DWER.

Recommendations

For the reasons stated in this report, it is recommended that the appeals are upheld to the extent that the conditions are amended to require the works approval holder to submit the report and plan required by conditions 14, 15 and 16 to DWER within a reasonable timeframe.

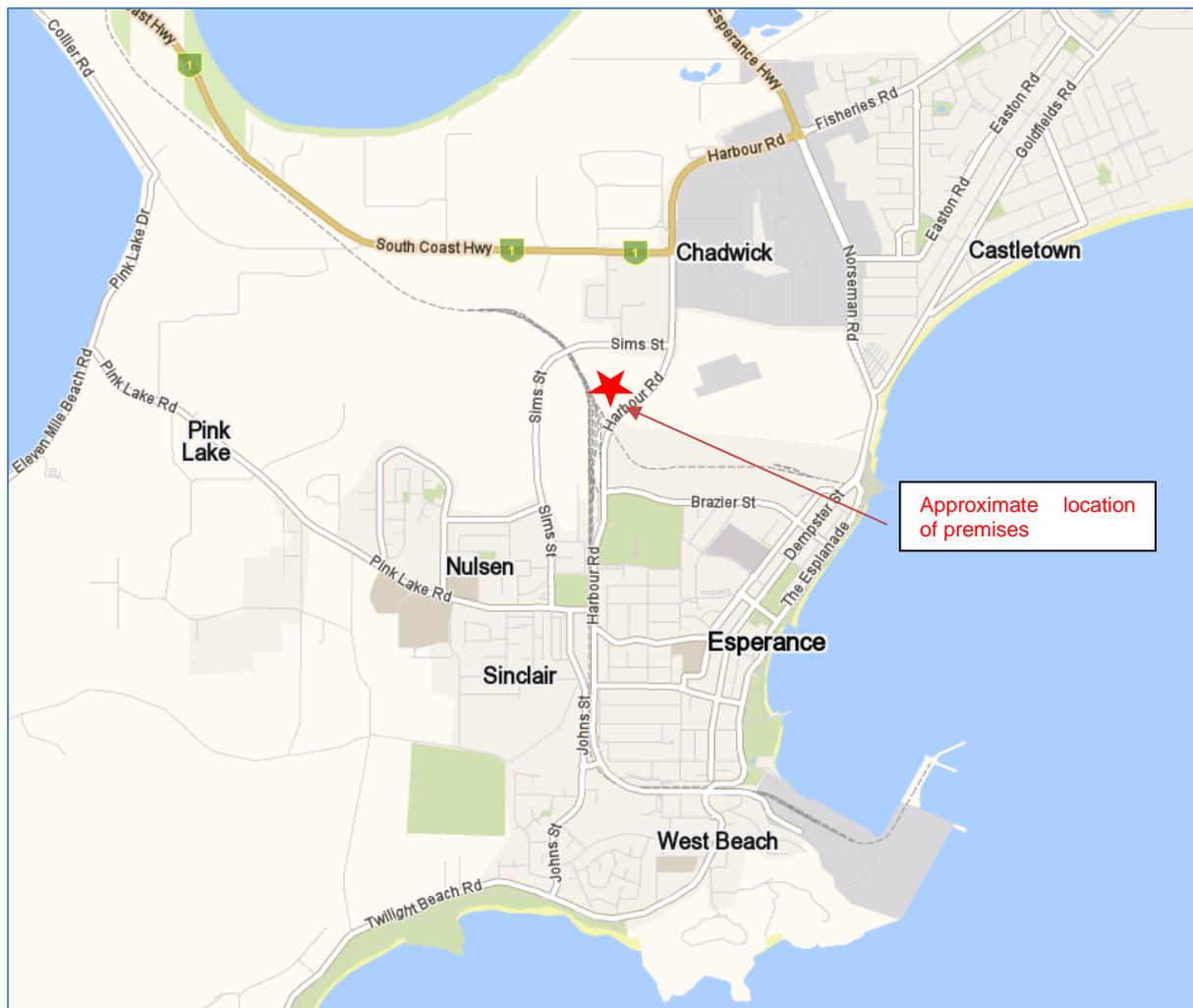
It is otherwise recommended that the appeals be dismissed.

INTRODUCTION

This is a report on the appeals by Ms Janett Archer, Esperance Local Environmental Action Forum (LEAF), Ms Raana Scott and Ms Nikki Starr in objection to the conditions applied to works approval W6378/2020/1 (the works approval) by the Department of Water and Environmental Regulation (DWER) for the Esperance Gas-fired Power Station, by Contract Power Australia Pty Ltd (the works approval holder).

The premises, the subject of the appeals, is described as part of Lot 502 on Plan 413859 (121 Harbour Road, Chadwick) see Figure 1.

Figure 1 – Location of premises



(Source: *whereis.com*)

The premises is prescribed as Category 52 (electric power generation) under Schedule 1, *Environmental Protection Regulations 1987*. The works approval was granted by DWER on 11 September 2020.

The applicant is proposing to construct and operate the Esperance Power Project, which consists of a gas power station, and a solar and wind renewable energy farm at separate locations in Esperance. The premises will comprise of eleven 2 MWe gas generators (total of 22 MWe), three 1 MWe emergency diesel generators and two 2 MWe battery energy storage systems. The premises will operate 24 hours a day, seven days a week and will supply a maximum of 18 MWe of electricity to the town of Esperance.

The Decision Report states that construction is expected to occur over a maximum of four months, followed by a three-month commissioning period. It is noted that the works approval allows time limited operations for specific infrastructure for a period not exceeding 180 calendar days.

It is understood that under normal operating conditions, nine of the eleven gas generators will be in operation, with one generator on standby and one generator under maintenance. Under emergency operating conditions, the three diesel generators will be used to provide power for essential services. Emergency operating conditions are estimated to be approximately 50 hours per year.

OVERVIEW OF APPEAL PROCESS

In accordance with section 106 of the *Environmental Protection Act 1986* (EP Act), two reports relating to the matters raised on appeal are required for the Minister for Environment to determine the outcome of an appeal:

- a report from the Appeals Convenor
- a report from the decision-making authority of the decision under appeal (DWER).

This document is the Appeals Convenor's formal report to the Minister for Environment under section 109(3) of the EP Act.

The Appeals Convenor's investigation of the appeals included:

- a review of the appeals submitted by the appellants (October 2020)
- a review of the response to the appeals provided by the proponent (October 2020)
- a review of the section 106 report from DWER (November 2020)
- meeting with the appellants (November 2020)
- meeting with the proponent (November 2020)
- discussions with DWER (December 2020)
- review of other information, policy and guidance as considered necessary.

The environmental appeals process is a merits-based process. The appeals were made in relation to section 102(3)(a) of the EP Act.

Appeal rights in relation to a works approval are normally against the specifications of a works approval and whether the conditions of the works approval are adequate or appropriate to control the environmental impacts of the design, construction and commissioning of the premises. Consistency with previous Ministerial appeal determinations also need to be taken into account.

OUTCOMES SOUGHT BY APPELLANTS

Broadly the appellants sought for:

- height of the stacks to be increased from 8 to 20 metres
- the noise impacts assessment to be done in accordance with required standards
- protection of the Esperance Public Drinking Water Special Area
- improved consultation
- relocation of the premises.

GROUNDS OF APPEAL

The concerns raised by the appellants are summarised under the following grounds:

- Ground 1: air emissions
- Ground 2: noise emissions
- Ground 3: groundwater
- Ground 4: consultation

Other matters raised that are considered to be beyond the scope of the appeal, including planning approvals, location and transport are discussed at the end of this report.

GROUND 1: AIR EMISSIONS

Appellants raised concerns regarding the impacts to public health and amenity from emissions of nitrogen dioxide (NO₂), carbon monoxide (CO), particulate matter that is smaller than 10 microns (PM₁₀) and formaldehyde (HCHO) from the premises. The appellants also questioned the wind speeds used in the air modelling.

The appellants sought for the height of the stacks to be increased from 8 to 20 metres.

Consideration

The appellants raised concerns regarding the health impacts of air emissions, especially in relation to the location of the sports ground, local communities and hospital. In relation to emissions, the appellants questioned the meteorological data used in the modelling and raised the following specific health concerns:

- short-term exposure to increased levels of NO₂ can cause respiratory problems especially for asthmatics
- exposure to CO at high concentrations for short periods may affect the amount of oxygen in the blood stream, with children and babies at greatest risk
- regarding PM₁₀ emissions, matter smaller than 10 µm in size typically pose a greater health risk due to the potential for it to be drawn deeper into the lungs.

Air Quality Assessment

It is noted that Golder Associates Pty Ltd undertook an Air Quality Impact Assessment, which considered emissions of NO₂, CO, HCHO and PM₁₀ under two scenarios:

- operation of nine gas generators operating 24 hours a day, seven days a week at 100% load
- operation of three emergency diesel generators operating 24 hours a day, seven days a week at 100% load.

It is understood that the modelling was undertaken using a stack height of 8.6 m (gas generators) and a stack height of 3.3 m (diesel generators).

The Decision Report advises that ambient air quality was modelled for the following receptors, and ground level concentrations for receptor 6 and 7 were not reported as they correspond to industrial receptors rather than sensitive receptors:

Table 1 Sensitive Receptors identified in DWER's decision report

Receptor ID	Description	Distance from Premises (m)
1	Residential area – Brazier Street	780 m southeast
2	Esperance Hospital	1100 m southeast
3	Residential area – Symons Street	790 m south-southwest
4	Residential area – Kalgoorlie Streett	900 m south-southwest
5	Caravan Park – Norseman Avenue	1800 m east
6	Industrial building	80 m north-east
7	Industrial building	130 m south-east

The appellants raised concerns regarding the air emissions from the premises, especially in relation to schools, hospital, nursing homes, residences and sports/recreation grounds.

In response, DWER advised that the modelling results indicated the maximum predicted ground level concentrations (GLCs) of the target pollutants under worst case meteorological conditions will comply with the relevant National Environment Protection Measure (NEPM) and NEPM (Air Toxics) criteria at sensitive receptors in proximity to the premises. Specifically, DWER advised that the cumulative predicted GLCs for all target pollutants (NO₂, CO, PM₁₀ and HCHO) were less than 64 per cent (%) of the relevant criteria with the results largely comprising existing background GLCs.

DWER advised that the GLCs were predicted for the closest residential areas of Nulsen (Symons and Kalgoorlie Streets approximately 790 m south to southwest of the premises) and Esperance (Brazier Street 780 m southeast of the premises and the same street as the sports ground), including the Esperance Hospital (1100 m southeast of the premises).

In relation to particulate matter, DWER advised that the gas generators have very low particulate emissions, including total suspended particles. DWER further advised that modelling predicts the premises will contribute less than 1% to predicted annual cumulative ground level concentrations of PM₁₀.

DWER advised that based on the low cumulative GLCs predicted at sensitive receptors, and small contribution of the premises to cumulative GLCs, the risk of human health impacts as a result of air emissions was considered to be low (based on a consequence of slight and likelihood of rare).

Appellants also raised concerns regarding the meteorological data used and whether local winds speeds and directions were taken into account in the modelling. It is noted that Golder (2020)¹ states that the closest meteorological station to the site is at Esperance, approximately 2 km north north-east of the site. It is understood that this weather station data has been used to characterise existing meteorology in the receiving environment and to generate meteorological data files for air dispersion modelling.

Based on this assessment, DWER did not consider the risk associated with air emissions from the premises was sufficient to justify increasing the stack height for the generators as sought by the appellants. DWER considered that condition 1 of the works approval which specifies design and installation requirements, provides adequate stack heights for gas and

¹ Golder (2020) Air quality impact assessment. Gas-fired Power Station – Esperance, Western Australia. July 2020.

diesel generators, proportionate to the level of risk determined for air emissions from the premises.

It is also noted that the conditions of works approval require the following during time limited operations:

- condition 6: no more than nine generators operate at one time (except during maintenance, start up or shut down activities).
- condition 7: that NO_x, CO, PM₁₀, HCHO and SO₂ emissions are permitted only from specified discharge point locations.
- condition 9: monitoring of volumetric flow rate, NO_x, CO and HCHO is undertaken once.

Conclusion

It is understood that the air quality modelling was undertaken using a stack height of 8.6 m (gas generators) and a stack height of 3.3 m (diesel generators). DWER advised that based on modelling results, emissions will comply with the relevant NEPM criteria at sensitive receptors in proximity to the premises. On this basis, DWER determined that the risk of human health impacts as a result of air emissions was low and the stack heights are appropriate.

Notwithstanding, it is noted that the works approval requires that the infrastructure is installed in accordance with the relevant standard and that air emissions from specified points are monitored. It is expected that this data will be used to verify that the premises operates (during time limited operations) as anticipated in DWER's assessment, that being a low risk to human health.

On this basis it is recommended that the ground of the appeal is dismissed.

GROUND 2: NOISE EMISSIONS

Appellants considered that the noise impact assessment underestimated noise levels, thereby having unacceptable impacts on amenity and health.

Appellants sought for the noise impact assessment to be undertaken again using the correct methodology. Some appellants considered that given the underestimated noise impacts, the premises should be relocated.

Consideration

Noise is emitted from the premises as a result of the operation of gas and diesel generators, which may impact the amenity of people living in nearby residential suburbs. It is noted that Golder prepared a Noise Impact Assessment to predict noise emissions from the premises, which had numerous assumptions. The Decision Report notes that two scenarios were modelled:

- scenario one: nine gas generators running 24 hours a day, seven days a week at 100% capacity.
- scenario two: three diesel generators running 24 hours a day, seven days a week at 100% capacity.

Seven receptors were identified for the modelling, the same as for the air emissions and as listed in Table 1 above.

The Decision Report states that the model results were compared with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). As the premises will operate 24

hours a day, the premises must comply with the lowest applicable assigned levels (i.e. assigned levels applicable at night).

It is understood that the results indicate that noise received by receptors would comply with the Noise Regulations under both operating scenarios, however it was noted that the criteria may be at risk of being exceeded at receptors 2 and 3 under scenario one. The Decision Report (section 6.2) states the following, as also noted by the appellants:

The NIA was reviewed by the Environmental Noise branch at DWER. The reviewed concluded the methodology of the NIA appeared to be mostly correct, however noted that the sound power level for the generator set may have been misinterpreted and significantly underestimated the specified sound pressure level of 85 dB(A) at 1 m for the gas-fired generator set and 83 dB(A) at 1 m for the diesel-fired generator set refer to a location 1 m from the generator enclosure's surface, not the geometric centre of the generator. The use of spherical propagation for calculating sound power level from sound pressure level at a set distance is only applicable when the source can be treated as a point source at 1 m distance from them.

Based on a consequence (moderate) and a likelihood (unlikely) the Delegated Officer determined that the overall risk rating of noise emissions to air resulting in public amenity impacts as medium.

With regard to infrastructure, it is noted that condition 1 of the works approval requires that each gas generator is stored in an individual, enclosed acoustic container, and the container is fitted with exhaust silencers.

In response to the appellants' concerns regarding the underestimation of the modelled noise impacts, DWER advised that it is common practice to require verification monitoring upon completion of works to compare actual noise levels with model predictions and confirm compliance with the Noise Regulations (conditions 14 to 15).

It is noted that conditions 14 to 15 of the works approval state:

Noise verification

14. Within 7 days of the commencement date of time limited operations, the works approval holder must retain the services of a person qualified and experienced in the area of environmental noise assessment and who by their qualifications and experience is eligible to hold membership of the Australian Acoustical Society or the Australian Association of Acoustical Consultants to:
 - (a) investigate the nature and extent of noise emissions from the premises;
 - (b) assess in accordance with the methodology required in the *Environmental Protection (Noise) Regulations 1997*, the compliance of the noise emissions from the primary activities, against the relevant assigned levels specified in those Regulations; and
 - (c) compile and submit to the works approval holder within 90 days of the commencement date of time limited operations a report in accordance with condition 15.

- 15.** A report prepared pursuant to condition 14(c) is to include:
- (a) a description of the methods used for monitoring and/or modelling of noise emissions from the premises;
 - (b) details and the results of the investigation undertaken pursuant to condition 14 (a);
 - (c) details and results of the assessment of the noise emissions from the premises, against the relevant assigned levels in the *Environmental Protection (Noise) Regulations 1997* undertaken pursuant to condition 14(b); and
 - (d) an assessment of noise levels against the most recent previous noise assessment.

DWER advised that if the study identifies that operation of the premises causes noise received by sensitive receptors to exceed the assigned levels, condition 16 of the Works approval requires the works approval holder to develop a plan within a specified timeframe to rectify this. It is noted that condition 16 of the works approval states:

- 16.** Where an assessment pursuant to condition 14(b) indicates that noise emissions from the premises do not comply with the relevant assigned levels in the *Environmental Protection (Noise) Regulations 1997*, the works approval holder must within 30 days of receiving an assessment report pursuant to condition 14(c) prepare a plan to ensure the undertaking of activities on the premises will no longer lead to any contravention of the *Environmental Protection (Noise) Regulations 1997*.

DWER advised that if the Works Approval Holder does not ensure noise emitted from the premises complies with the requirements of the Noise Regulations, DWER can take action to enforce the requirements.

Condition 18 requires the works approval holder to provide the report (condition 14(c)) to DWER within 60 calendar days of the completion date of time limited operations (180 days) or 60 calendar days before the expiration date (10/09/2025) of the works approval, whichever is sooner (potentially 240 days). However, condition 14(c) requires the noise consultant to report to the works approval holder within 90 days, therefore it is considered appropriate that the regulator is also provided with the report in a timely manner.

With regard to the report required by condition 16, it is noted that the conditions do not require this report to be provided to DWER. It is considered appropriate that the regulator receives a copy of the plan to rectify a potential exceedance of the Noise Regulations.

It is noted that the intent of conditions 14 to 16 is to require verification monitoring of noise emissions from the premises during time limited operations to ensure the premises complies with the Noise Regulations. However, it is considered that the conditions could be amended to improve reporting to DWER within reasonable timeframes allowing prompt management of any potential exceedances of the assigned noise levels.

Conclusion

The Decision Report acknowledged that the noise modelling may have underestimated the noise impacts and determined that the overall risk rating of noise emissions to air resulting in public amenity impacts as medium. On this basis DWER applied conditions to the works approval relating to noise, including conditions 1, 14 to 16.

Condition 1 of the works approval requires that each gas generator is stored in an individual, enclosed acoustic container, and the container is fitted with exhaust silencers. Acknowledging that noise modelling may have underestimated the noise impacts, conditions 14 and 15 require that verification monitoring to compare actual noise levels with model

predictions and confirm compliance with the Noise Regulations. Where the operation of the premises causes exceedance of the assigned levels, the works approval requires a plan to be developed to rectify this (condition 16).

However it considered that the report and plan required by conditions 14 to 16 to verify and rectify noise emissions, should be provided to DWER in a timely manner to allow proactive management of any potential exceedances of the assigned noise levels.

Therefore it is recommended that the conditions are amended to require the works approval holder to submit the report and plan required by conditions 14, 15 and 16 to DWER within a reasonable timeframe. The final wording of any amendments made to the works approval by the Minister's decision are for consideration by DWER.

GROUND 3: GROUNDWATER

Appellants raised concerns regarding contamination of the Esperance Public Drinking Water Special Area (PDWSA) from the proposal.

Consideration

Appellants noted that at the closest point the proposal is 110 m from the Esperance PDWSA, which poses an unacceptable risk of contamination.

In response to the concerns regarding groundwater contamination, DWER advised that it considered potential emissions from bulk storage of chemicals associated with the application and identified sensitive water source receptors and likely pathways to receptors, taking into account topography and available data. DWER advised that the Esperance PDWSA was identified as a sensitive receptor, with the boundary of the Esperance PDWSA buffer zone located 110 m west (cross gradient) and at some parts, 500 m south (downgradient) of the prescribed premises boundary, with the nearest wellhead protection zone approximately 780 m south of the prescribed premises boundary. Previous contaminated site investigations in the surrounding area indicate groundwater flow is in a south-southeast direction. The Decision Report (page 4) advises of the following distances to groundwater and water sources:

Table 10: Groundwater and water sources

Groundwater and water sources	Distance from Premises	Environmental value
Esperance water reserve	Generally located to the south west of the premises. At its closest points the boundary of the proclaimed area is 110 m west (cross gradient) and around 500m south (down gradient) of the premises. Contaminated sites investigations undertaken in the surrounding area indicate groundwater flow to be south, south-east (Golder 2020).	Public drinking water source area proclaimed under the <i>Country Areas Water Supply Act 1947</i> . Groundwater is drawn from a shallow unconfined aquifer which is highly vulnerable to contamination, as the only drinking water source for Esperance (DoW 2007).
<i>Rights in Water and Irrigation Act 1914</i> Esperance Groundwater Area	Covers the premises Regional water table varies from over 20 m below ground level to 2 m below ground level (based on information within works approval application W6378/2020/1). Contaminated sites investigations undertaken in the surrounding area indicate groundwater flow to be south, south-east (Golder 2020). There are no known active wells located within 1km of Premises and no bores on site.	Groundwater area covers an area 350 km ² including townships and farming land.

In relation to the bulk storage of chemicals, the Decision Report stated that there was sufficient separation distance between the downgradient receptor and premises for the risk to the receptor to be low.

In response to the appeal, DWER advised that infrastructure controls include acoustic containers which also act as leak containment infrastructure, bunded storage tanks, the covered and bunded hydrocarbon storage areas and treatment of potentially contaminated stormwater prior to discharge. DWER considered that these infrastructure controls will appropriately reduce the frequency and volume of hydrocarbon spills to land occurring to minimise the risk of groundwater contamination.

DWER advised that the infrastructure controls described above have been included in condition 1 of the works approval to ensure the risk associated with hydrocarbon discharges and associated contamination to the Esperance PDWSA is low. It is noted that the works approval also requires:

- compliance reporting to verify that controls have been installed/constructed in accordance with the relevant standard (conditions 2 and 3)
- discharge to the stormwater drain (W1), has a total recoverable hydrocarbons limit of 5 mg/l during the time limited operations (condition 8)
- monitoring (at least twice) from discharge point W1 during time limited operations, with at least a month between samples (condition 11).

Conclusion

DWER has assessed the risks to the Esperance PDWSA from the premises and found them to be low.

It is noted that the works approval requires infrastructure controls to prevent discharge of hydrocarbons to the environment and compliance reporting to verify that infrastructure has been installed/constructed in accordance with the relevant standard. During time limited operations the works approval requires monitoring and applies a limit on discharges to the stormwater drain for total recoverable hydrocarbons. It is considered that this information can be used to verify that the premises will operate as anticipated.

Therefore, it is recommended that this ground of the appeal be dismissed.

GROUND 4: CONSULTATION

Appellants considered that DWER's consultation with the Shire of Esperance regarding the works approval was insufficient.

Consideration

Appellants submitted that DWER's consultation with the Shire of Esperance which consisted of 'communication to place an advertisement on the Department's website' was insufficient. Appellants raised concern that no further consultation occurred, and that the Shire of Esperance was not made aware of an impending decision.

In response, DWER advised that section 54 of the EP Act requires DWER to advertise and invite comment from the public, any public authority or direct stakeholder when receiving an application for a new licence or works approval.

DWER stated that it advertised the application on its website on 3 April 2020 for 21 days and wrote to the Shire of Esperance on 7 April 2020 seeking comment on the application.

DWER also advertised the application in the standard weekly notification on 13 April 2020 in the Public Notices section of *The West Australian*, which directs the public to DWER's website. DWER advised that no comments were received during these three consultation processes. The works approval was granted on 11 September 2020. DWER considered that sufficient consultation was undertaken for this works approval in accordance with the requirements of the EP Act and DWER's *Guideline: Industry Regulation Guide to Licensing*.

In response to the appeals, the works approval holder has advised that it met with the Shire of Esperance in February and June 2020 to discuss the project.

Conclusion

It is understood that DWER has undertaken its consultation in accordance with the EP Act and relevant DWER's guidelines. It is noted that both DWER and the works approval holder have consulted with the Shire of Esperance regarding the premises.

On this basis, it is recommended that the ground of appeal be dismissed.

OTHER MATTERS

The appellants also raised matters in the appeals that were not directly related to the conditions of the works approval. However, for completeness, the appellants' concerns in relation to these matters are noted below, together with DWER's advice.

Planning approvals and community consultation

Appellants raised concern that the planning and approval of the proposal at no stage had input from members of the Esperance Shire Council or from community members. The appellants considered that the Development Assessment Panel (DAP) that assessed and approved the project should have included 'three technical experts and two local councillors' (Department of Planning, Lands and Heritage (DPLH) website). Appellants raised concern that while the Minister for Planning has the power to appoint local experts to the DAP, there are local experts who could have been included, but in the absence of these appointments and representation from local councillors, no local input or consultation was included in the process.

Appellants submitted that the proposal cannot commence as no community consultation took place, that the premises does not have the social licence to continue and that the lack of consultation appears arrogant and inequitable. Appellants sought for proper community consultation on the proposal.

DWER

DWER acknowledged the appellants' concerns about the lack of local community representation on the DAP. However, DWER advised that the DAP and development approvals are outside the scope of Part V, division 3 of the EP Act under which the works approval was granted. DWER advised that development approvals are assessed by the DPLH and the Shire of Esperance.

Location and transport

An appellant submitted that many elements of the proposal would not have been approved if local people had the opportunity for input, including:

- proposed location of the facility, including other more suitable locations
- impacts of transporting gas supply via road (increased air emissions, road damage, health and safety risks) rather than the use of existing pipeline infrastructure.

One appellant raised concern that the location is unsuitable for a power station, noting the S-bend configuration of the road, high volume heavy truck usage, poor road conditions and high speeds. Appellants sought for the reconsideration of the location of the facility and revisiting of the gas supply tender for the proposal.

DWER

DWER considered that the location of a premises in respect to road safety is a planning issue and as such, is a consideration of the development approval. DWER advised that matters relating to tenders for proposals are not considered or conditioned within regulatory instruments under the EP Act.

CONCLUSIONS AND RECOMMENDATIONS

For the reasons stated in this report, it is recommended that the appeals are upheld to the extent that the conditions are amended to require the works approval holder to submit the report and plan required by conditions 14, 15 and 16 to DWER within a reasonable timeframe.

Should the Minister decide the appeals as recommended in this report, the precise wording will be a matter for DWER in giving effect to the decision under section 110 of the *Environmental Protection Act 1986*.

Emma Gaunt
APPEALS CONVENOR

Investigating Officer:
L. Davies, Senior Environmental Officer