



Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Works Approval Number	W6378/2020/1
Works Approval Holder	Contract Power Australia Pty Ltd
ACN	081 538 258
File Number	DER2020/000141
Premises	Esperance Gas-fired Power Station 121 Harbour Road CHADWICK WA 6450 Part of Lot 502 on Deposited Plan 413859 As defined by the coordinates in Schedule 1 of the Revised Works Approval
Date of Report	10 February 2021
Proposed Decision	Revised works approval granted

Caron Goodbourn
Manager, Process Industries

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6378/2020/1. This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

This amendment is made pursuant to section 59(1)(j) of the EP Act, being an amendment to give effect to a decision of the Minister under the EP Act.

A copy of the Minister's Appeal Determination and Appeals Convenor's report can be obtained from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

The decision report for the Existing works approval will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the works approval, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Amendment summary

On 20 March 2020, DWER received a works approval application from Contract Power Pty Ltd (works approval holder) for a works approval to construct and operate the Esperance Power Station (the premises) within Lot 502 on Plan 413859 Harbour Rd, Chadwick. DWER granted works approval W6378/2020/1 for the premises on 11 September 2020. The works approval authorised construction, commissioning and time limited operation eleven 2 MWe natural gas generators (total 22 MWe), three 1 MWe emergency diesel generators and two 2 MWe battery energy storage systems.

Third parties aggrieved by any condition of a works approval are able to lodge an appeal direct to the Appeals Convenor within 21 days of the applicant being notified of the decision to grant a works approval under section 102(3)(a) of the EP Act. Four appeals were lodged in relation to W6378/2020/1 on 6 October 2020.

The appellants sought for an increase in the height of the stacks from 8 to 20 m above ground level, the noise impact assessment to be done in accordance with required standards, protection of the Esperance Public Drinking Water Source Area, improved consultation, and the relocation of the premises.

On 29 January 2021, the department was advised that the appeals lodged under sections 102(3)(a) of the EP Act in objection to the conditions of works approval W6378/2020/1 had been decided by the Minister for Environment. The Minister determined to allow the appeals in part and requested the department to amend W6378/2020/1 in relation to the noise verification conditions. In summary, the Minister allowed the appeals to the extent that the works approval holder is required to submit the report and plan required by conditions 14, 15 and 16 to DWER within a reasonable timeframe.

This amendment has been initiated by DWER to give effect to the Minister's appeal determination. There is no right of appeal to this amendment under section 105 of the EP Act.

3. Consultation

The works approval holder was provided with the draft Amendment Report on 10 February 2021. On 10 February 2021, the works approval holder waived the consultation period.

4. Conclusion

The Delegated Officer has reviewed the Minister’s Appeal Determination (and the Appeals Convenor’s Report to the Minister) relating to the conditions of W6378/2020/1, and has made amendments to the works approval to give effect to the Minister’s decision to allow the appeal in part. Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, with changes necessary to give effect to the Minister’s appeal determination to the works approval.

4.1 Summary of amendments

Table 1 below provides a summary of the amendments incorporated into the amended works approval and will act as a record of implemented changes.

Table 1: Summary of works approval amendments

Condition no.	Amendments
New condition 16	Added a condition to require the works approval holder to submit a copy of the report prepared pursuant to condition 14(c) within 100 days of the commencement date of time limited operations.
Condition 17 (existing condition 16)	Amended wording to include the words “and submit to the CEO”.
Condition 19(d) (existing condition 18(d))	Deleted. A copy of the report is required to be submitted as per new condition 16.

References

1. Appeals Convenor, January 2021, *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*, Appeal Numbers 049.001 – 004 of 2020.
2. DWER 2019, *Guideline: Industry Regulation Guide to Licensing*, Perth, Western Australia.
3. Hon Stephen Dawson MLC, Minister for Environment, 29 January 2021, *Minister's Appeal Determination – Appeals against conditions of works approval W6378/2020/1 Esperance Gas-Fired Power Station, 121 Harbour Road, Chadwick*