

***Environmental Protection Act 1986***

***Environmental Protection (Pinjar Gas Turbine***

***Station Noise Emissions) Approval 2004***

**as amended under regulation 17(10) *Environmental Protection***

***(Pinjar Gas Turbine Station Noise Emissions) Amendment Approval 2011\****

Made by the Minister under regulation 17(7) of the *Environmental Protection (Noise) Regulations 1997* after receiving a report from the Authority for the purposes of the regulation.

**1. Citation**

This approval may be cited as the *Environmental Protection (Pinjar Gas Turbine Station Noise Emissions) Approval 2004*.

**2. Commencement**

This approval comes into operation on the day on which it is published in the *Gazette*.

**3. Interpretation**

In this approval —

"**abnormal event**" means an unexpected event the occurrence of which is beyond the immediate control of, and could not reasonably have been foreseen by, *Verve Energy*\* (such as an accident, an emergency or a breakdown of plant or equipment);

"**assigned level**" means a noise level determined under clause 6;

"**commercial premises**" has the same meaning as in regulation 2(1);

"**construction work**" has the same meaning as in regulation 13;

"**Director**" means the Director of the Environmental Management Division, Department of Environment;

"**impulsiveness**" has the same meaning as in regulation 9(1);

"**industrial and utility premises**" has the same meaning as in regulation 2(1);

"**influencing factor**" has the same meaning as in regulation 8;

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**"L<sub>A 1</sub> assigned level"** means an assigned level which, measured as an L<sub>A</sub> <sub>Slow</sub> value, is not to be exceeded for more than 1% of any period of 4 hours;

**"L<sub>A 10</sub> assigned level"** means an assigned level which, measured as an L<sub>A</sub> <sub>Slow</sub> value, is not to be exceeded for more than 10% of any period of 4 hours;

**"L<sub>A max</sub> assigned level"** means an assigned level which, measured as an L<sub>A</sub> <sub>Slow</sub> value, is not to be exceeded at any time;

**"L<sub>A Slow</sub>"** has the same meaning as in regulation 2(1); **"modulation"** has the same meaning as in regulation 9(1); **"noise-sensitive premises"** has the same meaning as in regulation 2(1);

**"Pinjar Gas Turbine Station"** means the premises *located at Lot 500 on Plan 59628, Perry Road, Pinjar Western Australia\**;

**"regulation"** means a regulation of the *Environmental Protection (Noise) Regulations 1997*;

**"tonality"** has the same meaning as in regulation 9(1);

**"Verve Energy"** means the *Electricity Generation Corporation established by the Electricity Corporations Act 2005 section 4(1) (trading as Verve Energy ABN 586 738 30106).\**

[\*Clause 3 amended in Gazette 2 September 2011 p. 3615-6]

#### **4. Grant of approval**

Under regulation 17(7) of the *Environmental Protection (Noise) Regulations 1997*, approval is granted to Western Power to allow the noise emitted from the Pinjar Gas Turbine Station to exceed or vary from the standard prescribed by regulation 7(1).

#### **5. Conditions of approval**

- (1) For the purposes of clause 4, regulations 7(1) and (2), 8(2) and 9(3) do not apply in relation to the noise emitted from the Pinjar Gas Turbine Station while this approval is in force and is being complied with.
- (2) However, this approval is granted on the condition that –
  - (a) noise emitted from the Pinjar Gas Turbine Station complies with clauses 6 and 7; and
  - (b) *Verve Energy\** complies with clause 10.

[\*Clause 5 amended in Gazette 2 September 2011 p. 3616]

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**6. Maximum permitted noise levels**

Noise emitted from the Pinjar Gas Turbine Station, when received at premises of a kind referred to in column 1 of an item in the Table in Schedule 1, at a time of day referred to in column 2 of the item, must not exceed any of the assigned levels specified opposite the time of day in column 3 of the item.

**7. Permitted tonality, impulsiveness and modulation**

Noise emitted from the Pinjar Gas Turbine Station, when received at premises referred to in column 1 of items 1, 3, 4 and 5 in the Table in Schedule 1, must be free, for at least 90% of any period of 4 hours, from any tonality, impulsiveness and modulation.

**8. Determining levels of noise emission**

For the purpose of assessing the level or character of noise emitted from the Pinjar Gas Turbine Station, the following are not to be taken into account —

- (a) noise emitted as a result of construction work carried on at the Pinjar Gas Turbine Station;
- (b) noise emitted by safety warning devices attached to plant or equipment for the purpose of ensuring that *Verve Energy*\* complies with its obligations under the *Occupational Safety and Health Act 1984*.

[\*Clause 8 amended in Gazette 2 September 2011 p. 3616]

**9. Noise resulting from abnormal events**

An emission of noise that contravenes clause 6 or 7 is taken not to breach a condition of this approval if—

- (a) the emission is a result of the occurrence of an abnormal event;
- (b) where the emission contravenes clause 6 — it is a result of an event the occurrence of which results in the accidental or unintended emission of the noise;
- (c) *Verve Energy*\* takes all reasonably practicable measures to stop the emission as soon as is reasonably practicable; and
- (d) *Verve Energy*\* notifies the Director of the occurrence of the abnormal event within 21 days after the day on which it occurred, or within any further time allowed by the Director on the application of Western Power.

[\*Clause 9 amended in Gazette 2 September 2011 p. 3616]

## 10. Abnormal events register

- (1) *Verve Energy\** must keep an abnormal events register for the purposes of this approval.
- (2) If an abnormal event or any other event results in the emission of noise that contravenes clause 6 or 7, *Verve Energy\** must enter in the register the following particulars —
  - (a) the nature of the event;
  - (b) the date and time of the occurrence of the event;
  - (c) details of the contravention, including the level and characteristics of the noise (if known) and the duration of the emission;
  - (d) the measures taken by *Verve Energy\** to stop the emission;
  - (e) the measures (if any) taken by *Verve Energy\** to prevent or minimise the possibility of —
    - (i) the occurrence of a similar event in the future; or
    - (ii) the emission of noise that contravenes clause 6 or 7 if a similar event occurs in the future.
- (3) *Verve Energy\** is to make the register available for inspection by an inspector on request.

[\*Clause 10 amended in Gazette 2 September 2011 p. 3616]

## Schedule 1 - Maximum permitted noise levels

[cl. 6]

**Table**

Item	Column 1 Type of premises receiving noise	Column 2 Time of day	Column 3		
			Assigned level (dB)		
			L <sub>A</sub> 10	L <sub>A</sub> 1	L <sub>A</sub> max
1.	Noise-sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use.	0700 to 1900 hours Monday to Saturday	45+ influencing factor	55+ influencing factor	65+ influencing factor
		0900 to 1900 hours Sunday and public holidays	40+ influencing factor	50+ influencing factor	65+ influencing factor
		1900 to 2200 hours all days	40+ influencing factor	50+ influencing factor	55+ influencing factor
		2200 to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35+ influencing factor	45+ influencing factor	55+ influencing factor

	Column 1	Column 2	Column 3		
Item	Type of premises receiving noise	Time of day	Assigned level (dB)		
			LA 10	LA 1	LA max
2.	Noise-sensitive premises at locations further than 15 metres from a building directly associated with a noise sensitive use, and within 250 metres of the western or northern boundary of the Pinjar Gas Turbine Station.	All hours	66	75	80
3.	Noise-sensitive premises at locations further than 15 metres from a building directly associated with a noise sensitive use, and further than 250 metres from the western or northern boundary of the Pinjar Gas Turbine Station.	All hours	60	75	80
4.	Commercial premises.	All hours	60	75	80
5.	Industrial and utility premises.	All hours	65	80	90

JUDY EDWARDS, Minister for the Environment.

\*Amendments approved by Bill Marmion, Minister for Environment on 2 July 2011.

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