



Mr Tim Kirby
Director Case Managers
Business Performance and Reporting
Strategic Services Branch
Planning and Assessments Group
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Kirby

Decision on referral

Kurri Kurri Gas Fired Power Station, NSW (EPBC 2021/8888)

I am writing to advise you, as the designated contact for the New South Wales Minister for Planning and Public Spaces, the Hon Rob Stokes MP, of my decision on the referral of the proposed action, to construct and operate a gas fired power station and associated infrastructure at Hart Road, Loxford, NSW.

As a delegate of the Minister for the Environment, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- An action taken by a Commonwealth agency that is likely to have a significant impact on the environment (section 28).

Based on the information available in the referral, the proposed action is likely to have a significant impact on the environment, including but not limited to:

- generating emissions and pollutants which may impact air quality, and
- potentially disturbing contaminated and/or acid-sulphate soils in the proposed action area with potential flow on impacts to surface or ground water.

The New South Wales Government has advised the Department that the project will be assessed in a manner specified in Schedule 1 to the bilateral agreement made under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and the NSW Government.

I note that the Department has discussed the assessment with NSW Department of Planning, Industry and Environment (DPIE) and has confirmed that no supplementary Secretary's Environmental Assessment Requirements (SEARS) are required, as the EPBC Act matters are already covered in the NSW SEARS.

A copy of the document recording this decision is enclosed. If you have any questions about the referral process or this decision, please contact the project manager, Rachael Robb, by email to Rachael.Robb@awe.gov.au, or telephone (02) 6274 1805 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, reading "Louise Vickery". The signature is written in a cursive style with a large, looping 'L' and a long, sweeping tail on the 'y'.

Louise Vickery
Assistant Secretary
Environment Assessments NSW and ACT
30th March 2021