



Our reference: SF13/5118; DOC 14/41541
Contact: Joshua Loxley, 02 68 835 330

Department of Planning and Infrastructure
Energy Infrastructure Projects
GPO Box 39
SYDNEY NSW 2001

Attention: Diane Sarkie

Dear Mr Osborne,

I refer to the Department of Planning and Infrastructure's (DoPI) letter dated 24 February 2014 to the Environment Protection Authority (EPA) inviting submissions for the modification of the Wellington Gas Fired Power Station reference (MP 06_0315 MOD 2).

The EPA has considered the details provided by ERM Power Ltd on the 24 February 2014 and as indicated in the Environmental Assessment the project is likely to generate residual noise impacts above the Project Specific Noise Levels (PSNL).

The Land and Environment Court found in the recent Bulga – Warkworth appeal Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited [2013] NSWLEC 48) that the acceptability of residual noise impacts, which are levels above PSNL, need to be evaluated, taking into account the matters in Section 8.2.1 of the NSW Industrial Noise Policy (INP).

For receivers predicted to receive noise levels above the derived PSNL ("residual impacts") the Department of Planning and Infrastructure is best positioned to weigh the social, economic and environmental benefits of the proposal against potential adverse noise impacts according to Chapters 8 and 9 of the INP, and to determine if noise limits above the PSNLs are justified. If DoPI determines that noise limits above the PSNLs are justified the EPA would include limits up to 5dB above the PSNL in any Environment Protection Licence required for the activity. The EPA would not usually licence to noise levels more than 5dB above the PSNLs.

If you have any questions, or wish to discuss this matter further please contact Joshua Loxley in the Dubbo EPA office by telephoning 02 6883 5330.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Bradley Tanswell', followed by the date '02/04/14' written in a similar style.

BRADLEY TANSWELL
A/Head Far West Operations
Environment Protection Authority