

# Determination

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, under the delegation of 27 February 2013, I hereby refuse the modification application referred to in Schedule 1.

My reasons for refusal are:

- (a) I am not satisfied that the modification is consistent with the *NSW Industrial Noise Policy* and current best practice in terms of noise regulation in NSW;
- (b) I am not satisfied that the modification could be appropriately regulated, particularly as it would not be included in the Environment Protection Licence;
- (c) I am not satisfied that the modification is warranted or consistent with the extensive noise assessment conducted by the Department, the Environment Protection Authority and the Planning Assessment Commission for the original project application; and
- (d) I am not satisfied that the modification is in the public interest.



10.9.13

Chris Wilson  
**Executive Director**  
**Development Assessment Systems & Approvals**

Sydney

2013

### SCHEDULE 1

<b>Application No.:</b>	09_0006
<b>Proponent:</b>	National Ceramic Industries Australia Pty Limited
<b>Land:</b>	175 Racecourse Road, Rutherford Lot 101 DP 1062820 Maitland local government area
<b>Project:</b>	National Ceramic Industries Australia Ceramic Tile Manufacturing Facility Expansion Project
<b>Modification:</b>	Mod 1 – Noise Criteria