



Our reference: DOC13/4969; LIC07/2054-05  
Contact: Karen Marler (02) 49086803

NSW Department of Planning and Infrastructure  
Major Projects Assessment  
GPO Box 39  
SYDNEY NSW 2001  
Attention: Ms Christine Chapman

22 MAR 2013

Dear Ms Chapman

**NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD (NCIA) APPROVAL MODIFICATION MP  
09\_0006**

I refer to your email dated 13 February 2013 seeking comments from the Environment Protection Authority (EPA) regarding an application by NCIA to modify its project approval (MP09\_0006) in relation to noise limits. The EPA has reviewed the application, which comprises a 2-page letter and the attached Figure 1 showing the projected NCIA noise contours.

In August 2010, the EPA recommended noise limits to the Department of Planning and Infrastructure (DPI) for the NCIA development that were based on the application of all reasonable and feasible noise mitigation measures. There is no information presented in the current modification application that alters the EPA's position in relation to appropriate noise limits for the NCIA development. The EPA considers that the existing recommended 35dB(A)<sub>(LAeq 15minute)</sub> limit, which applies under prevailing meteorological conditions at the Kenvil Close receiver site, is appropriate and consistent with the NSW Industrial Noise Policy. The EPA notes that our recommendation to maintain the existing recommended noise limits at Kenvil Close will not be inconsistent with the modified consent, should DPI determine the modification application by granting consent.

The EPA is aware that Maitland Council issued consent to the Heritage Green subdivision on 22 March 2011 and the consent does include conditions in relation to restriction on title of certain lots to protect noise amenity, including limiting construction to single story on some lots and ensuring incorporation of noise mitigation measures to achieve internal noise levels below 30 dB(A). Both the proponent, DPI and Maitland City Council should note that the EPA will not be able to regulate noise from the NCIA development for any properties predicted to exceed noise levels in excess of 40 dB(A)<sub>(LAeq 15minute)</sub> (measured externally).

I reiterate previous advice that the EPA will have limited ability to resolve any complaints that are made about emissions from industries within the Rutherford industrial area by any future residents of the proposed Heritage Green development.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Marler'.

**KAREN MARLER**  
**Head Regional Operations Unit - Hunter**  
**Environment Protection Authority**