

On 13 Sep 2024, at 3:08 PM, SouthWest Region <SouthWest.Region@epa.vic.gov.au> wrote:

OFFICIAL

Dear Owen

Thanks for your email

Regulation 131B of the Environment Protection Regulations 2021 is a defining regulation, not one that imposes a direct compliance obligation. That is, it sets the relevant noise standard when there is a planning control in place ("authorising document"). An authorising document may also set out conditions that modify or replace the 1998 Standard or the 2010 Standard as the relevant noise standard.

How compliance is demonstrated (by the duty holder) and assessed (by the responsible authority) is a matter for the responsible authority, in this case Moorabool Shire Council. But it is generally done by consultants conducting monitoring and assessment, and an auditor independently verifying this work.

In relation to your other questions in the additional document

- The PCNA for LLWF explains (Table 2) the need to relocate the test point to avoid impact of extraneous noise thought to be a domestic air con that had influenced previous monitoring results.
- The Endorsed NCTP is a part of the authorising document – the planning control. Moorabool Shire Council would be best place to provide a copy of the Endorsed NCTP.
- EPA considers commencement of operation to be when the facility commences exporting electricity to the common electrical grid.

Regarding the email you sent separately to Anton Ponomarenko on 28 August 2024, any documents that the EPA used for the compliance assessment will need to be acquired through the Freedom of Information (FOI) process. If you lodge an application the FOI team can help identify the relevant documents.

Kind Regards
Carolyn Francis
Regional Manager
South West Region