

APPENDIX J - Epic Mining Luddenham Quarry Water Management Plan Prepared by VGT

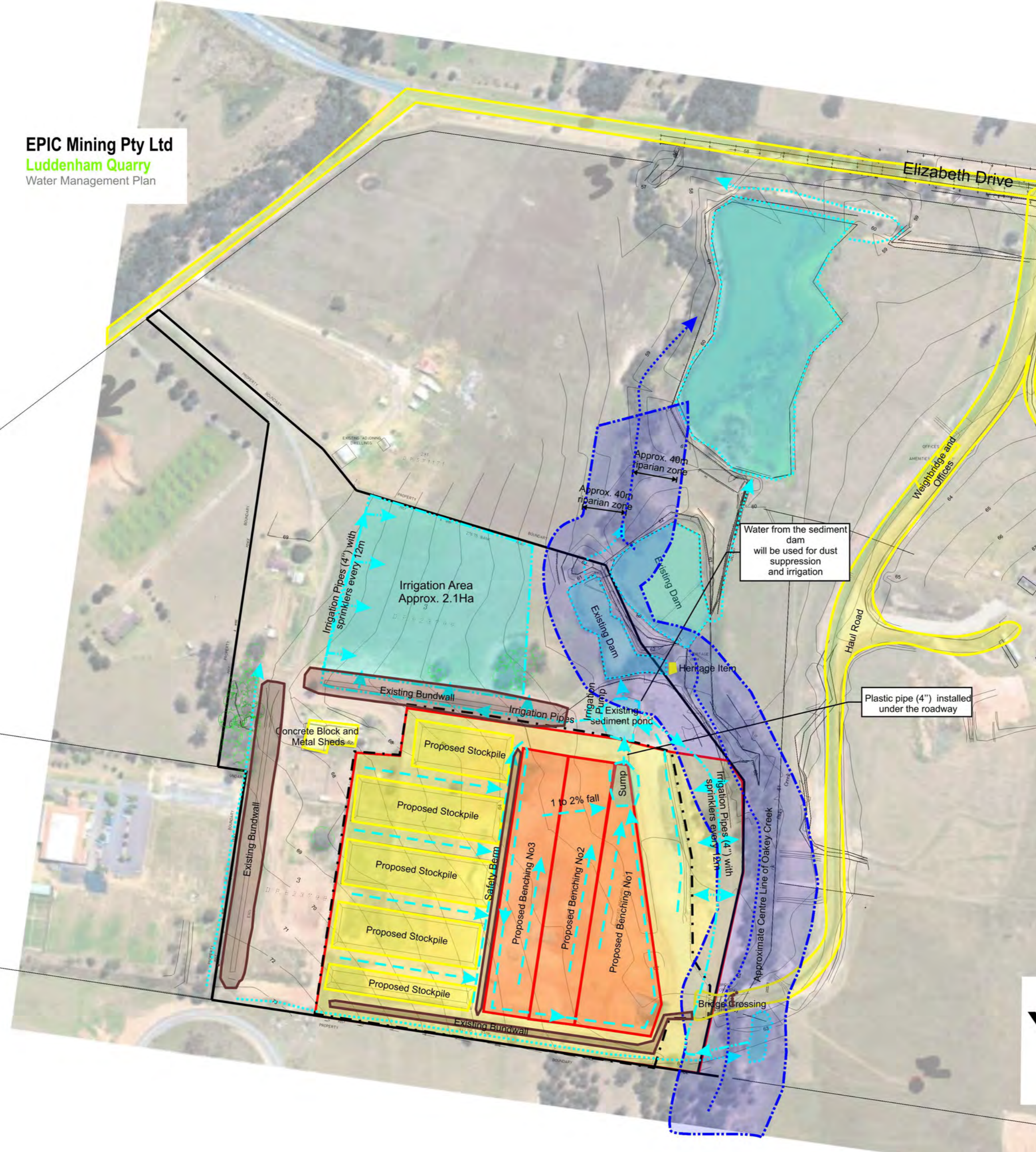
Legend

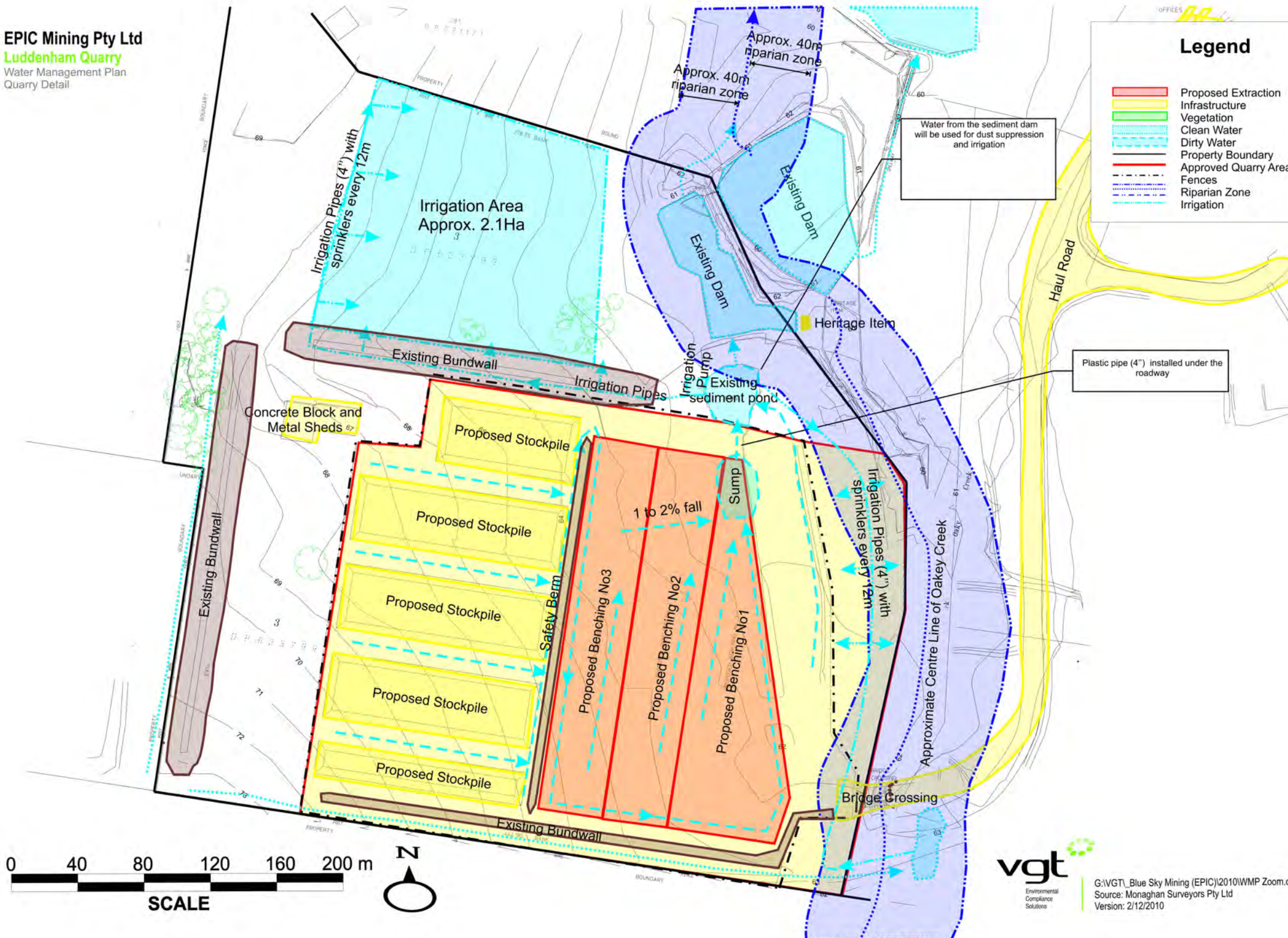
- █ Proposed Extraction
- █ Infrastructure
- █ Vegetation
- █ Clean Water
- █ Dirty Water
- Property Boundary
- Approved Quarry Area
- Fences
- Riparian Zone
- Irrigation

0 40 80 120 160 200 m

SCALE

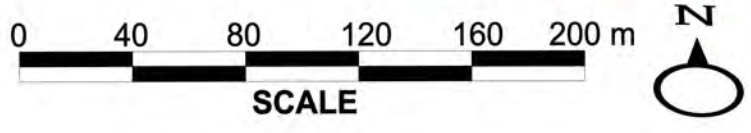
N





Legend

- Proposed Extraction Infrastructure
- Vegetation
- Clean Water
- Dirty Water
- Property Boundary
- Approved Quarry Area
- Fences
- Riparian Zone
- Irrigation



APPENDIX K – Correspondences from Government Agencies (DoPI, OEH, EPA, etc ...)



Contact: Anna Bradley
Phone: (02) 9228 6503
Fax: (02) 9228 6466
Email: anna.bradley@planning.nsw.gov.au

Mr Nigel White
Planning Directions Pty Ltd
PO Box 607
PARRAMATTA NSW 2124

Dear Mr White

**Luddenham Clay Shale Quarry
Appointment of Community Consultative Committee Members**

I refer to your letter, dated 3 March 2009 and accompanying applications for positions on the Luddenham Quarry Community Consultative Committee (CCC), in accordance with condition 8 of schedule 5 of the quarry's development consent.

The Department has considered these applications and the Director-General approves the appointment of the following community representatives to the CCC:

- Mr John C Wilkinson of 4 Annie Spence Close, Emu Heights (Chairperson);
- Mr Allen Thomson of 18 Tenison Ave, Cambridge Gardens;
- Mr Alan Montgomery of 19 Michael Ave, Luddenham;
- Mr Donald James Himsley of RMB 131 Homestead Road, Orchard Hills; and
- Ms Donna Quinn of 1 Burke Ave, Werrington.

The Director-General also approves the appointment of the following company representatives to the CCC:

- Mr Dennis Pethybridge; and
- Mr Nigel White.

It would be appreciated if you would inform all applicants of the Director-General's decision and provide each member with a copy of the Department's publication *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* at the first CCC meeting. This guideline can be downloaded from the Department's website at www.planning.nsw.gov.au.

Please also advise when a representative of Liverpool City Council has been appointed

If you have any enquiries in relation to this matter, please contact Anna Bradley on 9228 6503.

Yours sincerely,

Howard Reed
A/Manager
Mining
Major Development Assessment
as Delegate for the Director-General

17.3.09.



NSW GOVERNMENT
Department of Planning

Contact: Colin Phillips
Phone: (02) 9228 6483
Fax: (02) 9228 6466
Email: colin.phillips@planning.nsw.gov.au

Mr Nigel White
Planning Directions Pty Ltd
PO Box 607
PARRAMATTA NSW 2124

Our ref:

Dear Mr White

**Luddenham Clay Shale Quarry
Approval of Management Plans**

I refer to your recent letters and emails seeking the Director-General's approval of accompanying management plans required by the Minister's consent for the Luddenham Clay/Shale Quarry (DA 315-7-2003).

The Department has reviewed these plans and believes that they fulfil the requirements of the quarry's consent. Accordingly, the Director-General has approved the quarry's:

- Air Quality Monitoring Program (condition 8 of schedule 4);
- Noise Management Plan (condition 18 of schedule 4);
- Site Water Management Plan (condition 24 of schedule 4), incorporating a Surface Water Monitoring Program (condition 25 of schedule 4), Erosion and Sediment Control Plan (condition 27 of schedule 4) and an Irrigation Management Plan (condition 28 of schedule 4);
- Groundwater Monitoring Program (condition 26 of schedule 4);
- Site Rehabilitation Plan (condition 33 of schedule 4);
- Vegetation Management Plan (condition 34 of schedule 4); and
- Environmental Management Strategy (condition 1 of schedule 5).

In accordance with condition 13 of schedule 3, the Director-General has also approved Mr Greg Foster of G and M Planning Services as a suitably qualified and independent person to assess the Applicant's compliance with all relevant conditions prior to commencement of development at the site.

In addition, the Department has considered the requirements of the consent for an independent audit within 2 years of the date of the consent, unless otherwise decided by the Director-General. As a result the Director-General directs that the first independent environmental audit required by condition 6 of schedule 5 is conducted by 31 December 2010. Subsequent audits are to be conducted at an interval of every 3 years.

Should you have any enquiries on this matter, please contact Colin Phillips at the details above.

Yours sincerely

Howard Reed 17.4.09
**A/Manager
Mining**
as Delegate for the Director-General



Planning

Contact: Haley Rich
Phone: 9228 6516
Fax: 9228 6466
Email: haley.rich@planning.nsw.gov.au

Mr Nigel White
Planning Direction Pty Ltd
PO Box 607
PARRAMATTA NSW 2124

Dear Mr White

**Adams Road Quarry, Luddenham (DA 315-7-2003 MOD 2)
Section 96(1A) Modification – Noise Bunds
Notice of Modification**

I would like to advise you that on 28 January 2010, the Director, Major Development Assessment, as delegate for the Minister for Planning, approved the application to modify the development consent (DA 315-7-2003) to accommodate the 'as built' location of the acoustic bund walls at the Adams Road Quarry in Luddenham.

I have attached a copy of the Notice of the Modification for your information. A copy of this document, together with the consolidated consent and the Department's Assessment Report can be viewed on the Department's website under "Notices of Determination – Other Developments" (www.planning.nsw.gov.au).

If you have any enquiries on this matter, please contact Haley Rich.

Yours sincerely

Howard Reed 29.1.10
Manager Mining

Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



Chris Ritchie
A/Director
Major Development Assessment

Sydney, 28th January

2010

SCHEDULE 1

The development consent (DA 315-7-2003) for the Luddenham clay/shale quarry, which was granted by the Minister for Infrastructure, Planning and Natural Resources on 23 May 2004.

SCHEDULE 2

1. Delete the definition for "DEC" in the list of Definitions in Schedule 2, and insert in alphabetical order the following:

DECCW
SEE

Department of Environment, Climate Change and Water
Statement of Environmental Effects

2. Delete all references to "DECC" and replace with "DECCW".
3. In condition 2 of schedule 3, delete all words after "Castle Pty Ltd" and replace with:
 - e) Modification Application DA 315-7-2003 MOD 2 and the accompanying SEE titled "*Section 96(1A) Modification Application, 275 Adams Road Luddenham*," produced by Planning Direction Pty Ltd and dated 3 November 2009 and "*Acoustic Report – Clay/Shale Quarry at 275 Adams Road Luddenham*" produced by Golders Associates Ltd and dated 15 December 2009; and
 - f) conditions of this consent.
4. Delete condition 3 of schedule 3 and replace with:
 3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
6. After condition 4 of schedule 3 insert the following:
 - 4A. The Applicant shall prepare revisions of any strategies, plans or programs required under this consent if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.

7. Delete condition 5 of schedule 3 and replace with:

5. The Applicant may undertake quarrying operations on the site until 31 December 2024.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the site has been properly rehabilitated.

8. After condition 12 of schedule 4 insert the following:

12A. When extraction operations are taking place in Bench 1, as indicated on Figure 1 in Appendix 1, operations are restricted to the use of 1 truck and 1 excavator, until the quarry floor is at least 1.5m below the existing ground level.

8. In condition 6 of schedule 5, delete the first sentence and replace with:

Before 31 December 2010, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development.

9. After condition 10 of schedule 5 insert:

APPENDIX 1 GENERAL SITE LAYOUT



Figure 1: General Layout of the Site



Contact: Kane Winwood
Phone: 02 9228 6298
Fax: 02 9228 6466
Email: kane.winwood@planning.nsw.gov.au
Our ref: 10/23791-1

Mr Samuel Tarabori
Operations Manager
Epic Mining
PO Box 177
KEMPS CREEK NSW 2178

Dear Mr Tarabori

**Luddenham Clay Shale Quarry (DA 315-7-2003)
Stockpile Modification**

I refer to the modification application and associated information from Planning Directions Pty Ltd dated 7 December 2010 regarding the above proposal. I also refer to your letter of 4 August 2011 regarding the same. Please accept my apologies for the delay in responding formally on this matter.

The Department has reviewed the above and is not in a position to assess the proposal at this stage, given the lack of detail in the information provided.

As advised at our meeting and subsequent email in October 2010, certain information must be provided to enable the Department to assess the proposal. This information is required to enable a comparison between what is approved and what is proposed in the modification, both in terms of statutory requirements (eg consistency of the proposed modification with what is approved) and assessment of the potential environmental impacts.

The points raised in the Department's abovementioned email are reproduced below, with additional comments provided for clarification and to help ensure that subsequent information provided to the Department in an environmental assessment (EA) for the proposed modification is adequate.

- *A summary of the approved operations, including clear figures and plans showing the approved development (including ancillary infrastructure such as access road, weighbridge and site offices) and noting any other relevant statutory approvals and their requirements.*

Information to be provided includes the details of all conditions of the development consent (DA 315-7-2003) or other operating licences, along with operational aspects of the development which may be affected by, or be relevant to, the proposed modification.

To supplement the verbal description of the above points, the EA should include figures showing the currently approved layout of the development site, cross sections of the extraction area and noise/visual bunds, and the approved extraction sequence (given that extraction staging is an aspect of the development for which a modification is being sought).

- *A detailed description and justification of the proposed modification, supported by clear figures and plans showing the proposed modified development.*

The EA must clearly describe each of the changes to the development being sought, and how the proposal would change operational aspects of the quarry.

Information provided to date about the proposed stockpiles (gleaned from figure 01019-T6) includes a maximum height of 6m, an approximate length of 100-120 m and a batter slope of generally 1 in 2. Additional information to be provided includes the maximum proposed volume of material to be stockpiled, the maximum predicted area covered by the stockpiles, and how storage and handling of the material in the stockpile would occur (for example, equipment types and numbers to be used in managing the stockpiles, for how long the stockpiles are to be utilised, how long each stockpile would remain on site and how material in the stockpiles would be cycled over time).

It is also noted that the plans provided do not appear to reflect the configuration of stockpiles that have been constructed to date (as shown in the aerial photograph dated 16 May 2011). If the modification is approved, stockpiles would need to match the configuration shown in the figures provided in support of the modification.

- *An assessment of the potential impacts of the proposal, addressing key issues including soil and water, noise, air quality, visual, and the measures to be implemented to avoid, minimise and/or mitigate the potential impacts (including a description of the existing and proposed environmental management and monitoring regime).*

To satisfy the objects of the *Environmental Planning and Assessment Act 1979*, the EA needs to consider all of the potential impacts of the proposed modification and what measures are proposed to avoid, minimise or mitigate those impacts, with consideration of the significance of the residual impacts following the implementation of these measures.

The EA must contain a logical, ordered review of each environmental issue which is relevant to the proposal. This generally should explain the existing conditions of the site and surrounds, how the proposal may change those conditions (if no management measures are in place), what measures are proposed to reduce the risks of environmental impact and the significance of any residual impacts.

- *A conclusion justifying the modification on economic, social and environmental grounds, taking into consideration whether the modification is consistent with the objects of the Environmental Planning & Assessment Act 1979.*

This conclusion must be based on the findings of the assessment and state the overall benefits and impacts of the proposal.

Many examples of environmental assessment reports prepared for other clay, sand and stone quarries are available on the Department's website (www.planning.nsw.gov.au) and may be a useful reference to understand the standard of reporting which is expected.

I trust that this information will be of assistance for the preparation of the environmental assessment report in support of the proposal to modify DA 315-7-2003. If you have any further questions or clarifications, please contact Kane Winwood.

Yours sincerely



Howard Reed 29.1.12
A/Director
Mining & Industry Projects

Sam Tarabori

From: Howard Reed [Howard.Reed@planning.nsw.gov.au]
Sent: Wednesday, 18 January 2012 3:55 PM
To: Sam Tarabori
Cc: George Mobayed; Kane Winwood
Subject: Re: Luddenham Quarry Modification
Attachments: ATT00004.jpg

Hello Sam,

yes, we received the letter.

Regarding the s.75W modification, I have asked Kane Winwood, who is now back in the Mining Team, to finalise the inadequacy letter and request for amended information as an early priority. You can contact Kane on 9228 6298, but I suggest that you leave it a couple of days so that he can re-acquaint himself with the project.

Re the green waste, I confirm my telephone response to you of 30 November that the importation of green waste used in rehabilitation is covered by the terms of your existing consent. That is, if green waste is imported for other purposes (such as landfill or making of compost for sale), then it will require a modification to your existing consent. Providing all green waste imported is used in site rehabilitation, or other activities not requiring consent (such as may be the case for soil supplementation or landscaping), then I do not see that a consent modification is required.

Kind regards,

Howard Reed
A/Director Mining & Industry Projects,
Major Project Assessments
Department of Planning & Infrastructure
ph 9228 6308 fax 9228 6466

>>> "Sam Tarabori" <samuel@epicmining.com.au> 17/01/2012 2:35 pm >>>
Howard,

A Happy New Year to you.

In December 2011 after our phone conversation.

I mailed you the attached letter in reference to the DA modification for the quarry at Luddenham.

The purpose for the email is to check if you had received the letter and if so the status of the S75W.



Environment,
Climate Change
& Water

Our reference: DOC11/31442

Mr Peter Rimmer
Manager Resource Recovery & Waste
Centre for Organic & Resource Enterprises
Suites 701-703, 107 Walker Street
NORTH SYDNEY NSW 2060

Standard Post

Dear Mr Rimmer

Re: Epic Mining Pilot Program for the Reuse of Residue Waste Products

Thank you for your email dated 7 July 2011, seeking additional advice in relation to the pilot program for the reuse of residue waste at Epic Mining ("the licensee") in Luddenham ("the site"), being facilitated by the Centre for Organic and Resource Enterprises ("CORE").

Please be aware that the Office of Environment and Heritage ("OEH") does not provide legal or operational advice and encourages you to seek any necessary legal advice to ensure that CORE and the licensee meet all of their environmental and legal obligations. To assist you, OEH provides the following response to the seven matters you have raised:

1. Resource Recovery Exemptions only apply when the waste that is the subject of an exemption is applied to land. A material that meets the conditions of an exemption is still a waste and licensing thresholds for processing, storage and receipt of waste are still applicable for waste processors.

The intent of clause 7.2 mentioned in your email is to ensure that exempted waste is land applied and not stored for extended periods of time to reduce any potential risks to the environment or human health. Hence, waste received at the site as part of the licensee's pilot program, must be land applied at an application rate that ensures less than 2,500 tonnes of waste are stored at the site at any time.

2. If the waste received at the site does not exceed threshold limits outlined in the *Protection of the Environment Operations Act 1997* ("POEO Act"), an Environment Protection Licence ("EPL") would not be required for waste related activities only. As you are aware, current activities (Extractive activities – other land-based extraction) at the site are the subject of EPL number 12863, hence any additional activities that require licensing will be incorporated into this EPL.
3. Noted.
4. OEH draws your attention to Clauses 41 & 42 of Schedule 1 of the POEO Act which outline threshold limits for the receipt, processing (non-thermal treatment) and storage of waste.

The Department of Environment, Climate Change and Water is now known as
The Office of Environment and Heritage, Department of Premier and Cabinet

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723 ABN 30 841 387 271
www.environment.nsw.gov.au

Clause 41 states that the non-thermal treatment of general waste is declared to be a scheduled activity if "it involves having on site at any time more than 2,500 tonnes, or 2,500 cubic metres, whichever is the lesser, of general waste". It also states that the non-thermal treatment of liquid waste is declared to be a scheduled activity if it "involves having on site at any time more than 200 kilograms of liquid waste (other than clinical and related waste)".

Clause 42 states that the storage of waste is declared to be a scheduled activity if "more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste (other than waste referred to in paragraph (a) or (b)) is stored on the premises at any time", or if "more than 30,000 tonnes of waste (other than waste referred to in paragraph (a) or (b)) is received per year from off site".

To assist you, a copy of Clauses 41 & 42 is enclosed with this letter.

5. As outlined in point 1.
6. As outlined in point 4 above, the processing (non-thermal treatment) of liquid waste has a different threshold from other types of waste. OEH draws your attention to Clause 41 of Schedule 1 of the POEO Act which prescribes a threshold limit of 200 kilograms of liquid waste (other than clinical and related waste) at any one time.

For the purposes of Clause 41 (processing (non thermal treatment)) and Clause 42 (waste storage), 1 litre of waste is taken to weigh 1 kilogram.

7. a. OEH is unable to provide comment on this matter as it is the responsibility of the Department of Planning and Infrastructure.
- b. OEH has no objection to the proposed pilot project commencing for a trial period of 12 months, provided that current environment protection legislation and existing EPL conditions are complied with. In addition, to ensure that the environment is well protected from any adverse impact resulting from the proposed activities, OEH will attach relevant conditions to the EPL number 12863. These conditions may include monitoring and reporting requirements and a provision for the review of the proposal at the end of the 12 month period.
- c. Noted. Please note that the raw mulch cannot be excluded from storage threshold limits as suggested in the mass balance table provided.
- d. OEH is unable to provide comment on this matter as it is the responsibility of the Department of Planning and Infrastructure.

As discussed previously, in addition to meeting the requirements of environment protection legislation, the licensee will also need to ensure that the proposed facility holds the relevant planning consents or approvals from the appropriate regulatory authority.

I trust this information is of assistance to you. Should you have any enquiries regarding this matter, please contact Helen Prifti on (02) 9995 5717.

Yours sincerely



22/7/11

HENRY MOORE
Manager Waste Reform
Environment Protection and Regulation Group

Enc: Clauses 41 & 42 of Schedule 1 of the POEO Act

41 Waste processing (non-thermal treatment)

(1) This clause applies to the following activities:

non-thermal treatment of general waste, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing otherwise than by thermal treatment.

non-thermal treatment of hazardous and other waste, meaning the receiving of hazardous waste, restricted solid waste, clinical and related waste or asbestos waste, whether from on site or off site, and its processing otherwise than by thermal treatment.

non-thermal treatment of liquid waste, meaning the receiving of liquid waste (other than waste oil), whether from on site or off site, and its processing otherwise than by thermal treatment.

non-thermal treatment of waste oil, meaning the receiving of waste oil from off site and its processing otherwise than by thermal treatment.

non-thermal treatment of waste tyres, meaning the receiving of waste tyres from off site and their processing otherwise than by thermal treatment.

(2) However, this clause does not apply to any of the following:

- (a) processing of contaminated soil or groundwater, or sewage within a sewage treatment system (whether or not that system is licensed),
- (b) the storage and transfer of liquid waste that is generated and treated on site prior to sewer discharge, or lawful discharge to waters.

(2A) The activity of non-thermal treatment of liquid waste is declared to be a scheduled activity if it meets the criteria for that activity set out in Column 2 of the Table to this clause.

(3) Each other activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if:

- (a) it meets the criteria set out in Column 2 of that Table, and
- (b) more than 50% by weight of the total amount of waste received per year requires disposal after processing.

(4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

Table

Column 1

Activity

non-thermal treatment of general waste

non-thermal treatment of hazardous and other waste

Column 2

Criteria

involves having on site at any time more than 2,500 tonnes, or 2,500 cubic metres, whichever is the lesser, of general waste involves processing more than 120 tonnes per day, or 30,000 tonnes per year, of general waste

involves having on site at any time more than 200 kilograms of waste (other than clinical and related waste) involves having on site at any time any quantity of clinical and related waste

non-thermal treatment of liquid waste	involves having on site at any time more than 200 kilograms of liquid waste (other than clinical and related waste) involves having on site at any time any quantity of liquid waste that is clinical and related waste
non-thermal treatment of waste oil	involves having on site at any time more than 2,000 litres of waste oil involves processing more than 20 tonnes of waste oil per year
non-thermal treatment of waste tyres	involves having on site at any time more than 50 tonnes of tyres (where 100 tyres are taken to weigh 1 tonne) involves processing more than 20 tonnes of tyres per day or 5,000 tonnes of tyres per year

42 Waste storage

- (1) This clause applies to **waste storage**, meaning the receiving from off site and storing (including storage for transfer) of waste.
- (2) However, this clause does not apply to any of the following:
 - (a) the storage of stormwater,
 - (b) the storage of up to 60 tonnes at any time of grease trap waste, waste lead acid batteries or waste oil collected for recovery (but not when accompanied by any other kind of waste),
 - (c) the storage of sewage within a sewage treatment system,
 - (d) the storage and transfer of liquid waste that is generated and treated on site prior to sewer discharge, or lawful discharge to waters.
- (3) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) more than 5 tonnes of hazardous waste, restricted solid waste, liquid waste, clinical or related waste or asbestos waste is stored on the premises at any time, or
 - (b) more than 50 tonnes of waste tyres or 5,000 waste tyres is stored on the premises at any time, or
 - (c) more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste (other than waste referred to in paragraph (a) or (b)) is stored on the premises at any time, or
 - (d) more than 30,000 tonnes of waste (other than waste referred to in paragraph (a) or (b)) is received per year from off site.
- (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.



**Office of
Environment
& Heritage**

Your Reference : Epic Mining Pty Limited
Our reference : DOC11/52703@LIC08/497-05
Contact : Nicolas Israel, 9995 6821

Mr Samuel Tarabori
Epic Mining Pty Limited
P O Box 177
KEMPS CREEK NSW 2171

Dear Mr Tarabori

**EPIC MINING PTY LIMITED – 275 ADAMS ROAD LUDDENHAM
ENVIRONMENT PROTECTION LICENCE 12863
USE OF THE EXEMPT WASTE LIME SLURRY FOR REHABILITATION PURPOSES**

I refer to your email and attachments dated 16 November 2011, regarding a request to allow your company to use the exempt waste lime slurry as part of your rehabilitation works on the above site.

I also refer to our letter from Henry Moore (Manager Waste Reform), dated 22 July 2011 regarding this and other issues.

Following careful consideration of all relevant factors involved including the potential impact on the environment as a result of the proposed use of the lime slurry, I am pleased to advise you that your proposal has been approved subject to your company's compliance with the following requirements:

1. the conditions included in the specific exemption issued under *Part 6 of the Protection of the Environment Operations (Waste) Regulation 2005* issued on 7 August 2007 by Mark Gorta, Manager Waste Management Section,
2. current environmental legislation, in particular the *Protection of the Environment Operations Act 1997*,
3. the conditions included in the Environment Protection Licence No 12863 issued for your activities at 275 Adams Road, Luddenham, and
4. the requirements outlined in our letter of 22 July 2011 especially in relation to the quantities of wastes imported, processed and/or stored on site. We strongly recommend that records of the quantities of wastes imported, processed and/or stored on site be kept to ensure that licensing thresholds for such wastes are not exceeded otherwise we will be required to follow a different process.

I hope the above information is helpful to you, however, if you wish to discuss the matter further, please contact Mr Nicolas Israel on (02) 9995 6821.

Yours sincerely

24 November 2011

KIERAN HORKAN
Unit Head Sydney Industry
Environment Protection Authority



**Office of
Environment
& Heritage**

Your Reference : Epic Mining Pty Limited
Our reference : Licence 12863@ LIC08/497-05
Contact : Nicolas Israel, 9995 6821

Mr Sam Tarabori
Quarry Manager
Epic Mining Pty Limited
PO Box 177
KEMPS CREEK NSW 2171

Dear Mr Tarabori

**EPIC MINING PTY LIMITED – 275 ADAMS ROAD LUDDENHAM
EPL #12863 – SECTION 58 LICENCE VARIATION NOTICE**

I refer to your request for a minor change to your Environment Protection Licence under the provisions of Section 58 of the Protection of the Environment Operations (POEO) Act 1997. The request was made during the last site inspection conducted by Nicolas Israel and other staff from the Environment Protection Authority (EPA) on 5 July 2011. Your request relates to certain conditions included in your Environment Protection Licence (EPL) No 12863.

Based on the information available to EPA, consultation with your Company's representatives and following careful consideration of the proposed changes and its environmental impact, I am pleased to advise you that your request has been approved.

Please find attached the Section 58 notice No 1502055 for your consideration. Please read this document carefully and place it in your EPL folder for future references. Attached is also a copy of the new EPL.

If you wish to discuss the matter further, please contact Mr Nicolas Israel on (02) 9995 6821.

Yours sincerely

28 November '11

KIERAN HORKAN
Unit Head Sydney Industry
Environment Protection and Regulation



**Office of
Environment
& Heritage**

Your Reference : Epic Mining Pty Limited
Our reference : Licence 12863 @ LIC08/497-05
Contact : Nicolas Israel, 9995 6821

Mr Sam Tarabori
Quarry Manager
Epic Mining Pty Limited
PO Box 177
KEMPS CREEK NSW 2171

Dear Mr Tarabori

**EPIC MINING PTY LIMITED – 275 ADAMS ROAD LUDDENHAM
EPL #12863 – PROPOSED MODIFICATIONS TO YOUR ACTIVITIES ON SITE**

I refer to your request for comments from the Environment Protection Authority (EPA) regarding the proposed modification to your approved activities on site. The request was made during the site inspection conducted by staff from the EPA and staff from the Department of Planning and Infrastructure (DP&I) on 5 July 2011.

Your request is associated with your application to the DP&I to modify the way excavated materials are handled after being excavated. The initial proposal included the installation of a conveyor to transport excavated materials from the excavation area (quarry pit) directly onto trucks. The trucks will transport the materials immediately off site to the buyer's premises. The modification is to remove the conveyor from the process and simply store the excavated materials on site in different stockpiles. This modification is required for the following three main reasons:

- The excavated materials must be matured/seasoned before they can be used in the brick manufacturing industry,
- the excavated materials must be separated depending on their characteristics including their firing colours, and
- the buyer may not have the capacity to store the materials on its site and/or process the materials immediately through its brick making plant.

It is therefore more economically viable and environmentally suitable for this stage of the process to occur at the seller's (quarry) rather than the buyer's site.

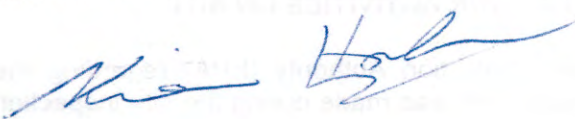
Based on the information currently available to the EPA, consultation with the licensee, observations made during the site inspections conducted by EPA officers including assessment of the results of the monitoring conducted in the last 12 months and the fact that no complaints have been received, it can be concluded that the environmental benefits with regard to the economical viability of the activities conducted on site outweigh by far any potential environmental impact. Hence, the EPA has no objection for the modification to proceed provided that the licensee complies with the following requirements:

1. The licensee must comply with current environmental legislation,
2. the licensee must comply with current EPL conditions including limit, monitoring and reporting requirements, and
3. the licensee must reduce the height of the highest stockpile by approximately 1.6 metres.

Notwithstanding the above, we believe that no changes to the existing EPL are required since current conditions are sufficient to manage any environmental issues associated with the proposed activities conducted on site.

If you wish to discuss the matter further, please contact Mr Nicolas Israel on (02) 9995 6821.

Yours sincerely



22 May 2012

KIERAN HORKAN
Unit Head Sydney Industry
Environment Protection and Regulation



Your reference :
Our reference: : DOC13/19035 & LIC08/497-06
Contact: : Rod Fox 9995 6839

Mr S Tarabori
Quarry Operations Manager
Epic Mining Pty Limited
PO Box 177
KEMPS CREEK NSW 2178

Dear Mr Tarabori

I refer to your letter dated 19 April 2013 and the attached Licence Variation Application (LVA) seeking a variation to Environment Protection Licence (EPL) No.12863 (**the Licence**) issued by Environment Protection Authority (EPA) to 'Epic Mining Pty Limited' (**the Licensee**). The licence authorises Extractive activities to be undertaken by the licensee at 275 Adams Road Luddenham NSW 2525 (**the Premises**).

I also refer to the meeting at the premises between EPA officers Chris Kelly and Rod Fox and Samuel Tarabori the Quarry Operations Manager on 15 May 2013 to discuss the LVA seeking a variation to licence conditions relating monitoring and reporting requirements.

As indicated at the meeting the Environment Protection Authority (EPA) agrees in principal to varying the frequency of the monitoring and reporting requirements set out in the conditions of the licence and will vary the licence accordingly. You were also advised that the EPA undertook a review of the licence and have identified a number of other licence Conditions that would be amended as part of the licence variation. Prior to completing the licence variation the licensee will be given the opportunity to comment on any proposed changes to the licence conditions.


During the inspection undertaken on 15 May 2013 the appropriateness of some of the licensed dust and noise monitoring points was discussed and in particular the influence that some external dust and noise sources may be having on the monitoring results obtained.

As the dust and noise monitoring points form part of the development consent issued for the premises you should seek clarification from the relevant consent authority if a variation to the current consent is required to relocate and/or reduce the number of dust and noise monitoring points at the premises. The EPA will require a copy of any advice provided to you by the consent authority before it will consider varying any EPL conditions relating to the number and location of the dust and noise monitoring points.

As agreed at the meeting on 15 May 2013 the EPA will progress the determination of the LVA when you provide a copy of the advice given to you by the consent authority

If you wish to discuss this issue further please contact Rod Fox on 9995 6839.

Yours sincerely


CHRIS KELLY 23/5/2013
Acting Unit Sydney Industry
Environment Protection Authority

APPENDIX L - Letters from Non-Government Organisations



Carne Specialist Horticultural Services Pty / Ltd
10 the Glade Wahroonga NSW 2076
A.B.N. 84 140 085 187
(02) 9487 2446
Director: chris.carne@gmail.com
0407 485 437

To Whom it May Concern,

Re: Epic Quarry Mining site Badgerys Creek.

In 2009, my team prepared, planted out and maintained the riparian zone with oakey creek community keystone specimens (forestry tubestock size). Overall i would refer to this planting project as a success, although we had to rectify some initial attrition. Recent weather has ensured that these specimens have gone on to be advanced specimens. These plantings should continue to flourish if the trend of specimen vigour continues. I think that these plants have perhaps been most aided by the collection and ample useage of harvested rainwater. This alone is a standout factor that i wish other projects had at their disposal.

Weed management was difficult at first but has become easier with persistence. Predominantly hand weeding and spot spraying has been the most successful methods. (Woody weeds have been cut / poisoned.)

I have reviewed the modification application and I think that the earthworks and water collected in the quarry should be suitably contained and disposed of without adverse impacts to our planted area. Since works have commenced I have not seen any change in soil condition occurring.

The planted species are now well advanced and will not be adversely affected by the works that the boys at Epic are doing.

If you have any questions please feel comfortable in contacting me on the channels above.

Kind regards,

A handwritten signature in blue ink, appearing to read "Chris Carne", written in a cursive style.

Chris Carne

B Sc, BR2, Arb 2, Arb, 3, Dip Arb (pending)

Director

AUTHORITY

We the undersigned are the occupants of the land situated at 285 Adams Road Luddenham NSW 2745.

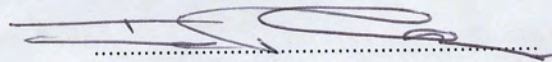
We are aware that a Development Approval exists and as a result, extraction works have commenced or are nearing commencement on the adjacent property known as 275 Adams Road Luddenham NSW 2745.

We do not object to the extraction operation to occur and have no issues with any noise or dust generated as a result by the mining or truck movements relating to the site operation.

Yours faithfully,

IAN DICKSON

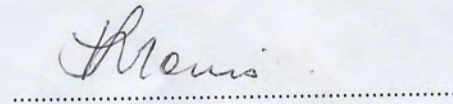
PRINT NAME:



PRINT NAME:

THYRA MORRIS

PRINT NAME:



PRINT NAME:

DATE: 13-11-2011

Thursday, 21st October 2010

EPIC Mining Pty Ltd
PO Box 177
KEMPS CREEK 2178

ATTN: Samuel Tarabori

RE: DA 315-7-203; Dust and Acoustic Issues at Adams Road Clay Shale Quarry

Dear Samuel,

I have reviewed the basic stockpile plans provided by Epic and they appear to be typical for a clay shale quarry.

The proposed stockpiling operations will be constrained within the bunded perimeter of the consented quarry operation area. The majority of the stockpile operations will occur below the bund wall levels.

The possible noise and dust impacts will be minimized by:

1. Watercart use, on all roads during hauling;
2. Water will be sprayed onto the stockpile to create a crust to reduce airborne dust; and
3. Best practice methods are recommended for construction and maintenance techniques to minimise noise and dust impacts.

The noise and dust monitoring programs as identified in Schedule 4 of your consent DA 315-7-203 will also provide surety that the construction and maintenance of these stockpiles occurs within the prescribed environmental limits.

The results of the monitoring program will be reported annually in an Annual Environmental Management Review (AEMR). This report will be prepared by VGT, of which I have been authorised by the Department of Planning, by letter dated 11th October 2009 to undertake annual rehabilitation audits for your site. If any exceedances of environmental limits, breaches of consent or any complaints are identified during the reporting period then these will also be presented in the AEMR.

If you have any further questions regarding this please call me.

Yours Sincerely



Greg Thomson



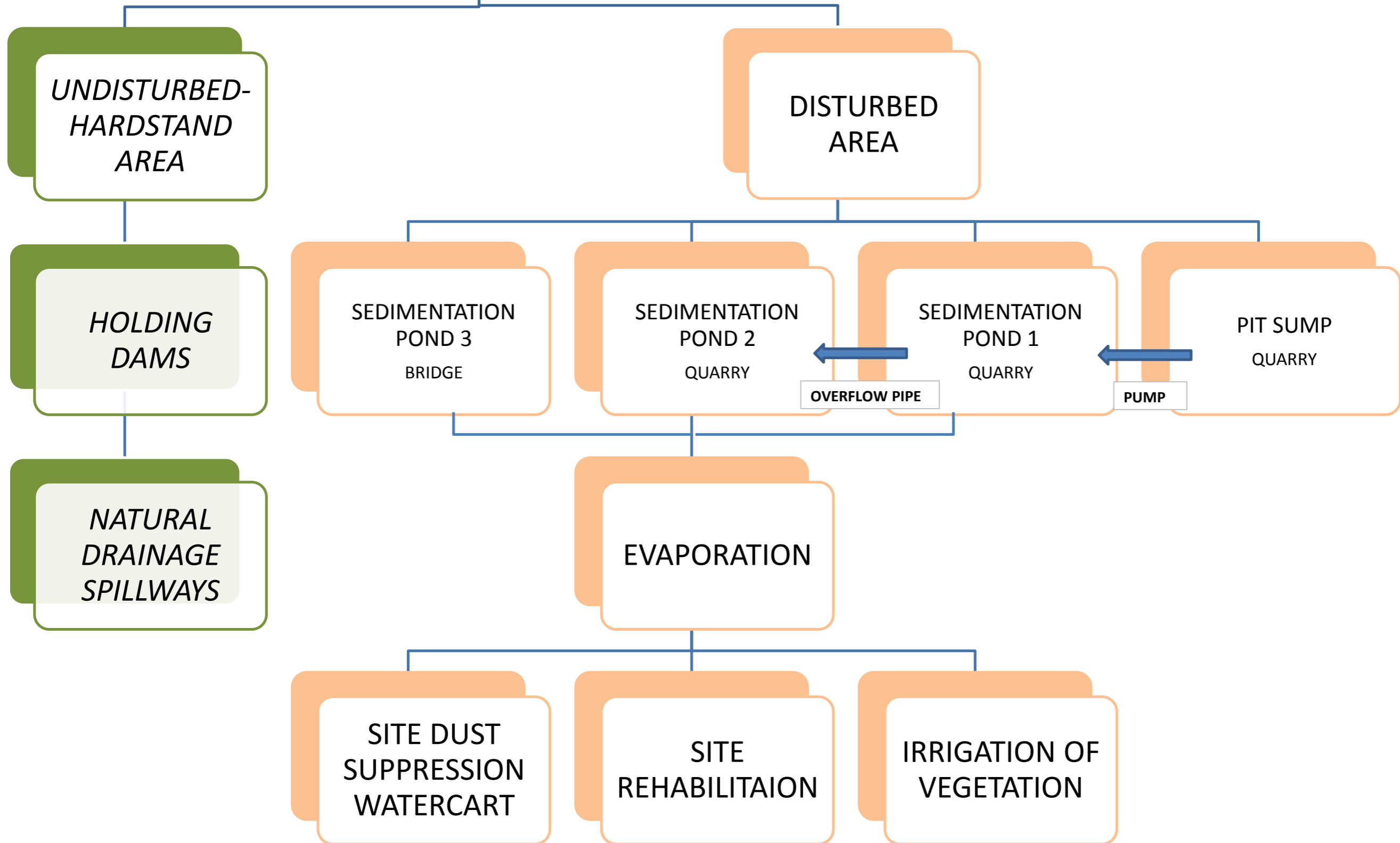
Environmental
Compliance
Solutions

PO Box 2335 Greenhills NSW 2323
P (02) 4028 6412 F (02) 4028 6413 E mail@vgt.com.au
www.vgt.com.au ABN 79 103 636 353

APPENDIX M - Schematic of Site Surface Water & Town Water Management Plan (Flowchart)

**RAINFALL
PRECIPITATION**

**SCHEMATIC FLOWCHART OF SURFACE
WATER MANAGEMENT SYSTEM 2013**



SCHEMATIC FLOWCHART OF TOWN WATER MANAGEMENT SYSTEM 2013

