



EPA Reference: DOC20/139575

Mr Shaun Williams
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

By Email: shaun.williams@planning.nsw.gov.au

24 February 2020

Dear Mr Williams,

**State Significant Development for proposed
Plant 2 Upgrade Lot 7 DP 1059698
780 Wallgrove Road, Horsley Park – SSD 9601**

The NSW Environment Protection Authority (“**EPA**”) is writing to you following receipt of the Response to Submissions (“**RtS**”) dated 6 February 2020. The RtS responds to the EPA’s submission to the publicly exhibited state significant development application (**SSD 9601**) dated 4 November 2019.

The Austral Brick Co Pty Ltd (“**Austral**”) holds environment protection licence no. 546 (“**the licence**”) located at 780 Wallgrove Road, Horsley Park (“**the premises**”). The licence permits mining for minerals, crushing, grinding or separating, extractive activities and ceramic works.

The EPA is now satisfied with the level of environmental assessment however, a variation to the environment protection licence will be required if SSD 9601 is approved.

The EPA has prepared a list of recommended conditions of consent which are included at **Attachment 1**. If you have any questions regarding this letter, please contact Tenille Lawrence on 9995 6207 or by email at metro.regulation@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Boyle'.

24 February 2020

JAMES BOYLE
A/Unit Head – Regulatory Operations Metro West
NSW Environment Protection Authority

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

Fax 02 9995 6900
TTY 133 677, then
ask for 131 155

PO Box 668
PARRAMATTA
NSW 2124

Level 13
10 Valentine Avenue
PARRAMATTA NSW
2150 AUSTRALIA

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

ATTACHMENT 1

Recommended Conditions of Consent

Licensing and Approvals

1. The Proponent must ensure that all licences, permits and approvals are obtained as required by law. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with the licence issued under the *Protection of the Environment Operations Act 1997*.

Air Quality – Pre-Construction

2. Prior to construction, the Proponent must develop an Air Quality Management Plan. This plan should include but not necessarily be limited to the following requirements:
 - a. Identification of all major sources of air emissions including off road transport sources;
 - b. List of controls to prevent and minimise air pollution;
 - c. List of protocols that describe how plant and equipment are maintained to prevent and minimise air pollution;
 - d. All procedures and preparatory measures that mitigate the impact of adverse weather;
 - e. All procedures and preparatory measures that mitigate air pollution impacts when the site is unattended;
 - f. Procedures for monitoring air emissions from the site; and
 - g. Reactive/proactive management systems that include derived action levels and contingency measures in the event that monitoring results approach or likely to exceed the relevant compliance criteria or a non-compliance.

Air Quality – Operational

3. The Proponent must install and commission a stack on the Plant 2 kiln (i.e. Point No: 5) that meets the recommendations within Airlabs Environmental, *Air Quality Impact Assessment*, dated 12 December 2019, ref. AUG18138.2. The stack must optimise the dispersion of air pollutants from the stack and minimise building wake effects that can potentially disrupt / impact the plume dispersion.

Air Quality - Post Commissioning

4. Within 90 days post commissioning of the Plant 2 kiln upgrade and scrubber installation, the Proponent must engage a NATA certified consultant to perform post commissioning emissions testing on the Plant 2 stack (EPL Point No: 5) to confirm that the emission concentrations are consistent with those predicted in the revised air quality impact assessment (Airlabs Environmental, *Air Quality Impact Assessment*, dated 19 December 2019).
5. The post commissioning emission testing described in Condition 4 must include sampling and analysis of the following air impurities;
 - a. Nitrogen dioxide (NO₂) or Nitric oxide (NO) or both, as NO₂ equivalent
 - b. Hydrogen Fluoride
 - c. Total Solid Particles

- d. Sulfuric acid mist and sulfur trioxide
 - e. Sulfur dioxide
 - f. Hydrogen chloride
 - g. Fluorine
 - h. Cadmium
 - i. Hydrogen sulphide
 - j. Mercury
 - k. Type 1 and Type 2 substances
 - l. Volatile organic compounds (as n-propane equivalent)
6. The post commissioning emission sampling, monitoring and testing described in Condition 4 must be performed in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (2007)*.
 7. The post commissioning air emissions analysis report required under Condition 4 must be submitted to the NSW EPA no later than 3 weeks following the post commissioning monitoring. The report must be submitted electronically to metro.regulation@epa.nsw.gov.au.

Waste – Operation

8. The Proponent must not cause, permit or allow any waste generated outside the premises to be received at the premises except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.
9. The Proponent must not store, treat, process, reprocess or dispose of any waste generated at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.
10. Any waste generated during demolition and construction must to be classified in accordance with the EPA's *Waste Classification Guidelines* and managed in accordance with that classification.
11. Any material that is brought to the premises must comply with the EPA's Resource Recovery Orders and Exemptions and any other relevant regulation.
12. Where materials are proposed to be imported and applied to land in accordance with Condition 11, the Proponent must submit a report prepared by a suitably qualified consultant who has knowledge and experience of the waste regulatory provisions under the *Protection of the Environment Operations Act 1997*.
13. The Proponent must seek advice on whether there is any capacity for connection to the existing Sydney Water sewerage system and if it can cater for any new additional load.

Noise – Pre Construction

14. The Proponent must prepare a noise management plan that clearly outlines the recommended noise mitigation, monitoring and management measures to minimise noise

and vibration impacts during construction and operation of the site. The noise management plan must include, but not necessarily limited to:

- a. the identification and assessment of all potential noise sources associated with the development
- b. the location of all sensitive receptors
- c. proposed hours of operation
- d. transport route(s) to be used
- e. proposed noise mitigation measures.
- f. respond to adverse weather conditions including temperature inversions
- g. reactive management systems that include derived action levels and contingency measures in the event that monitoring results approach or likely to exceed the relevant compliance criteria.

Noise – Construction

15. All work and activities must only be conducted between:
 - a. 7:00am and 6:00pm Monday to Friday;
 - b. 8:00am and 1:00pm Saturday; and
 - c. not be undertaken on Sunday or public holidays.
16. The hours of operation specified in condition 15 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.
17. All feasible and practicable noise mitigation and management measures must be implemented to minimise noise impacts. If noise exceeds the project specific noise management levels, as described in the *NSW Interim Construction Noise Guideline* (DECC, 2009), the Proponent must investigate, establish the reason for the noise exceedance and implement all additional feasible and practicable measures.
18. Activities must be undertaken in a manner that will minimise vibration impacts

Noise – Construction

19. Noise generated at the premises must not exceed the noise limits presented in *Table 6.2: Project Noise Trigger Levels (PNTL) for Operational Activities* in report *Noise Impact Assessment for Austral Bricks Pty Ltd, 780 Wallgrove Road, Horsley Park*. Ref. 181134_Rep_Rev6 August 2019.
20. For the purposes of determining the noise generated at the site, the modification factors in Fact Sheet C of the *Noise Policy for Industry* (EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.
21. To determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limits in Condition 19, the noise measurement equipment must be located:
 - a) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or

- b) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- c) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

22. Activities must be undertaken in a manner that will minimise vibration impacts

Noise – Post Construction

23. A noise compliance assessment report must be submitted to the EPA within 30 days of the commencement of typical production operations. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:
- a) an assessment of compliance with noise limits presented in Condition 19.
 - b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition 19.

Water – Pre-Construction

24. Prior to construction, the Proponent must develop a Water Quality Management Plan. This plan should include but not necessarily be limited to the following requirements:
- a) provide information on any water discharges including location, volumes, water quality, monitoring programs and frequency of discharge;
 - b) describe how stormwater will be managed during the construction phase;
 - c) characterise potential water pollutants at the site and any associated mitigation and management measures; and
 - d) demonstrate that all practical options to avoid discharge have been implemented and environmental impact minimised where discharge is necessary.

Water – Operational

25. Except as may be expressly provided by a licence issued under the *Protection of the Environment Operations Act 1999*, the Proponent must comply with section 120 of the *Protection of the Environment Operations Act 1997*.

26. The Proponent must ensure that the storage and handling of any dangerous goods at the Project Site is undertaken in accordance with *The Storage and Handling of Dangerous Goods, Code of Practice* (WorkCover NSW, 2005).