



DOC22/134098

Mr Carl Dumbleton  
Team Leader  
Energy Resource Industry Assessments  
Department of Planning, Industry and Environment  
PARRAMATTA NSW 2124

By Major Projects Portal

Dear Mr Dumbleton

### **EPA Advice on Submissions Report**

I refer to the request for advice from Public Authority Consultation (PAE-2880), requesting the review by the Environment Protection Authority (EPA) of the Submissions Report for the proposed expansion of operations (Application SSD-8804) at the existing Howlong Sand and Gravel Quarry at Howlong.

The EPA has reviewed the following documents:

- *Howlong Sand and Gravel Expansion Project Submissions Report and appendices* – R.W. Corkery & Co. Pty Ltd, dated February 2022.

The EPA understand that the proposal is for:

- Expansion of existing sand and gravel extraction and processing activities from 30,000 tonnes per annum (tpa) to 300,000 tpa.

Based on the information received and the commitments made by the proponent, the EPA can support the project. Should the Department of Planning and Environment (DPE) approve the proposal, we recommend the conditions provided in Attachment A are incorporated into the project approval.

Please note the inclusion of our recommended conditions in any project approval granted by DPE is important to minimise environmental and human health impacts from the proposal. We expect to be given an opportunity to review and comment on the final draft conditions of consent for this proposal.

As you are aware, the quarry is an extractive activity, scheduled under the *Protection of the Environment Operations Act 1997* and is regulated by the EPA through Environment Protection Licence (EPL) No 254. Where a project approval is granted by DPE, an application to vary the EPL will be required to be submitted by the proponent to the EPA prior to any construction work or activities associated with the approval occur.

If you have any further enquiries about this matter please contact Briohny Seaman by telephoning 02 6983 4918 or by electronic mail at [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in dark ink, appearing to read 'D Wallett', with a stylized, cursive script.

11 March 2022

**DARREN WALLETT**  
**Unit Head - Regulatory Operations**  
**NSW Environment Protection Authority**

## Attachment A

The Environment Protection Authority recommends the following conditions are included in any approval granted for the Howlong sand and gravel quarry expansion proposal.

### **Scale**

The development is limited to a maximum production scale of 300,000 tonnes per annum.

### **Water and Land Pollutant Monitoring**

The following points referred to in the table are identified for the purposes of the monitoring and/or setting of limits for discharges of pollutants to water or land from the point.

#### *Point/s 1 – 5 – Groundwater Quality Monitoring*

<b>Pollutant</b>	<b>Unit of Measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
Standing water level	Metres below ground level and mAHD (Australian Height Datum)	Annually	In-situ
Electrical conductivity	Microsiemens per centimetre	Annually	Representative sample
pH	pH	Annually	Representative sample
Nitrogen (total)	Milligrams per litre	Annually	Representative sample
Total Suspended Solids	Milligrams per litre	Annually	Representative sample
Oil and grease	Milligrams per litre	Annually	Representative sample

### **Limit Conditions**

#### **Air Concentration Limits**

The following points referred to in the table are identified for the purposes of monitoring and/or setting of limits for discharges of pollutant to air from the point

#### *Points 6 – 10- Ambient Air Quality Monitoring*

<b>Pollutant</b>	<b>Unit of Measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
Particulates - Deposited Matter	Grams per square metre per month	Once a month (minimum of 4 weeks)	AM-19

Note: Dust deposition gauge/s to be located at sites representative of nearest sensitive receptors – exact locations to be negotiated with the EPA.

## Noise Limit Conditions

- L2.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Figure 2.2.2 in Noise Modelling Assessment for the Howlong Sand and Gravel Expansion Project, by Octave Acoustics, dated November 2019.

Location	Noise Limits in dB(A)	
	Day	Evening
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)
4343 Riverina Highway, Howlong (Lot 1, DP 798291)	40	38
Camp Nelson Scout Camp, 4271 Riverina Highway, Howlong (Lot 7009, DP 1028263)	45	40
Any other residential receiver	40	35

- L2.2** For the purposes of condition L2.1:

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- Evening means the period from 6pm to 10pm.

- L2.3** Noise-enhancing meteorological conditions

- The noise limits set out in condition L2.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- For those meteorological conditions not referred to in condition L2.3(a), the noise limits that apply are the noise limits in condition L2.1 plus 5dB.

- L2.4** For the purposes of condition L2.3:

- The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Rutherglen Research**
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
  - Use of sigma-theta data (section D1.4).

**L2.5** To assess compliance:

- a) with the  $L_{Aeq(15 \text{ minutes})}$  noise limits in condition L2.1 and L2.3, the noise measurement equipment must be located:
  - (ii) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - (iii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - (iv) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - (v) at any other location identified in condition L2.1
- b) with the  $L_{Aeq(15 \text{ minutes})}$  noise limits in condition L2.1 and L2.3, the noise measurement equipment must be located:
  - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
  - (ii) at the reasonably most affected point within an area at a location prescribed by condition L2.5 (a).

**L2.6** A non-compliance of conditions L2.1 and L2.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L2.5 (a) or L2.5 (b).

**NOTE to L2.5 and L2.6:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

**L2.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L2.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

### **Hours of operation**

**L2.9** Activities at the premises must only be conducted between 7am and 10pm Monday to Friday and 7am and 5pm Saturday. No activity at the premises may be carried out during Sundays and public holidays. Heavy machinery may only be operated between 7am and 5pm Monday to Saturday.

**L2.10** The following activities may be carried out at the premises outside of the hours specified in **L2.9** above:

- a) The delivery of materials as requested by Police or other authorities for safety reasons.
- b) Emergency work to avoid the loss of lives, property and/or prevent environmental harm.
- c) Workshop activities and other maintenance work contributing less than 35dBA under any meteorological conditions at the nearest affected receiver.

### **Waste**

**L3.1** The proponent must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by an environment protection licence.

**L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

## **Operating Conditions**

### **Noise Management Plan**

The proponent must prepare and implement a Noise Management Plan that covers all premises-based activities and transport operations. The plan must include but need not be limited to:

- a) All measures necessary to satisfy the limits in Table **L2.1** at all times,
- b) A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,
- c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- d) Measures to monitor noise performance and respond to complaints,
- e) Measures for community consultation including site contact details,
- f) Noise monitoring and reporting procedures.

### **Irrigation Management Plan**

1. Prior to the commencing development under this consent, the proponent must prepare an Irrigation Management Plan that is consistent with the practices and principles of the *Environmental Guidelines: Use of Effluent by Irrigation* (DECC, 2004) to ensure ongoing sustainability of the irrigation practices.
2. Consultation must be carried out with the NSW Department of Primary Industries, Agriculture if irrigated crops are to be used for fodder to verify the suitability of the wastewater for irrigation.

### **Traffic Noise Management Strategy**

That a Traffic Noise Management Strategy (TNMS) be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following;

- Driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- Best noise practice in the selection and maintenance of vehicle fleets,
- Movement scheduling where practicable to reduce impacts during sensitive times of the day,
- Communication and management strategies for non-licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- A system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS,
- Specific procedures for drivers to minimise impacts at identified sensitive receivers,
- Clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

## **Monitoring Conditions**

### **M8 Requirement to Monitor Noise**

- M8.1** Attended noise monitoring must be undertaken in accordance with Condition L2.5 and must:
- a) occur bi-annually in a reporting period;
  - b) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
    - 1.5 hours during the day;
    - 30 minutes during the evening; and
    - 1 hour during the night.
  - c) occur for three consecutive operating days.

## **Reporting Conditions**

### **Noise Monitoring Report**

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the bi-annual monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L2.1 and L2.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L2.1 and L2.3.

## **Additions to Definition of Terms of the licence**

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L2.1 to L2.8.
- $L_{Aeq}(15\text{ minute})$  - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).