



ENVIRONMENT PROTECTION AUTHORITY

Our reference : DOC16/308478
Contact: Ramya Gowda, epa.farwest@epa.nsw.gov.au

Mr Howard Reed
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Phillipa Duncan

Dear Mr Reed,

I refer to the Project Application, Environmental Assessment (EA) and accompanying information provided for the proposed Nyngan Scandium Project (ref SSD-5157) received by the Environment Protection Authority (EPA) on 25 May 2016.

The EPA has reviewed the information in the EA and has determined that it is able to support the proposal subject to the proponent addressing the information requirements outlined below and in **Attachment A**. **Attachment A** also contains the EPA's assessment of the proposal, including justification for the amendments and request for additional information.

Following its review of the information in the EA, the EPA notes additional information is required for the EPA to adequately assess impacts of the project in terms of potential impacts on noise amenity. The additional information requirements are discussed in detail in **Attachment A**. The EPA also recommends DPE incorporate the recommended conditions of consent in **Attachment B** (if consent is granted).

It should be noted that addressing the additional information requirements and incorporation of the recommended conditions of consent in **Attachment B** are essential to the EPA's ongoing support for the proposal.

The EPA recommends that the proponent be required to provide the additional information specified above and that the EPA is provided with a further opportunity to review this new information before the project proceeds to the determination stage.

The EPA would also appreciate receiving a copy of the submissions received by the DPE (or a report summarising these submissions) in response to the exhibition of the Environmental Assessment. This is to assist the EPA to review the draft Director-General's Report and to recommend additional conditions of approval, if required.

The EPA notes that the proposal will require an Environment Protection Licence (EPL) pursuant to the *Protection of the Environment Operations Act 1997* to commence construction activities and to operate. The proponent will need to make a separate application to the EPA to obtain this licence once development project approval is granted.

PO Box 2111 Dubbo NSW 2830
Level 1 48-52 Wingewarra street Dubbo NSW
Tel: (02) 6883 5330 Fax: (02) 6884 8675
ABN 43 692 285 758
www.epa.nsw.gov.au

Should you have any further enquiries regarding this matter please contact Ramya Gowda at the Dubbo Office of the EPA by telephoning (02) 6883 5306.

Yours sincerely

A handwritten signature in black ink, appearing to read 'BRAD TANSWELL', with a long horizontal flourish extending to the right.

BRAD TANSWELL
Acting Head Far West Operations
Environment Protection Authority

Encl: Attachment A – Assessment and Justification

ATTACHMENT A

NOISE

The following clarifications and/or additional information are required for the EPA to assess the full impacts of the project in terms of noise and blasting.

The project's environmental assessment requirements stated that "the EIS must include ... an assessment of the likely operational noise impacts of the development (including construction noise) under the *NSW Industrial Noise Policy*, including the obligations in chapters 8 and 9 of the policy, and having regard to the NSW Government's Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Development".

At this stage the EPA do not have sufficient information to properly assess the noise impact of the project or to suggest appropriate noise limits as:

- Noise from vehicles using the proposed access road does not seem to have been included in modelling. Based on the EPA's modelling using the sound power level in the noise impact assessment, noise from vehicles on the access road will be up to about $L_{eq(15min)}$ 42 dBA at the nearest sensitive receiver; and
- Noise from construction of the proposed access road was predicted to be up to $L_{eq(15min)}$ 49 dBA at the nearest sensitive receiver, which was 14 dBA above the project specific noise level. The noise impact assessment did not address the requirements of chapters 8 and 9 of the industrial noise policy, particularly section 8.2.1 which deals with residual impacts above the project specific noise level.

The EPA requires the proponent to provide assessments of:

- noise from vehicles using the proposed access road, in accordance with the industrial noise policy; and
- noise from construction of the proposed access road, against chapters 8 and 9 of the industrial noise policy

In accordance with the project's environmental assessment requirements, this information is required for the EPA to consider the noise impacts of the project and whether the EPA is prepared to licence expected noise levels.

The EPA also requires more information on the sensitive receivers that were assessed, landowner names and locations, as there are some inconsistencies between the receivers listed in Table 1 and Figure 2 of the noise impact assessment:

Receiver	Stated landowner	
	Table 1	Figure 2
R2	R Lettuce	Derek & Lesley Thomson ^a
R3	<i>Not in table</i>	Rodney Lettice
R4	A & R Young	Cecil Boland or Paul Francis Carter (not clear)

The proponent must assess the operational noise impact of the project's access road on sensitive receivers

Due to the distance between residences and the extraction, processing and storage areas of the site, the EPA expects that those parts of the project can comply with an operational noise limit of $L_{eq(15min)}$ 35 dBA at all residences. However the on-site access road is much closer to some residences.

The noise contour plots in Figure 6 and Figure 7, and the predicted noise levels in Table 5 of the noise assessment, do not seem to show an influence from the access road on operational noise levels.

Based on the sound power level in the noise impact assessment and the EPA's modelling, the EPA expects operational noise levels from the access road at the nearest sensitive receiver will be up to about $L_{eq(15min)}$ 42 dBA, which is 7 dBA above the project specific noise level. Those noise levels would need to be managed in accordance with the *Voluntary Land Acquisition and Mitigation Policy* (NSW Government 2014).

The proponent must assess noise from the construction of the project's access road in accordance with the industrial noise policy

The project's environmental assessment requirements stated that "the EIS must include ... an assessment of the likely operational noise impacts of the development (including construction noise) under the *NSW Industrial Noise Policy*, including the obligations in chapters 8 and 9 of the policy, and having regard to the NSW Government's *Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Development*".

Noise at sensitive receivers from construction of the access road was predicted up to $L_{eq(15min)}$ 49 dBA in the noise impact assessment, which is 14 dBA above the project specific noise level. The noise impact assessment indicates "If possible, the resident of R3 should be consulted prior to conducting roadworks near this residence with a view towards agreeing on a suitable time for these works to be carried out so as to avoid any impact on the resident."

ATTACHMENT B

Recommended Conditions of Consent

WATER

The Applicant must prepare and implement the proposed Surface Water, Sediment and Erosion Control Plan to include, but not necessarily be limited to:

1. Detailed drawings and text describing all water management structures on site including design sizing and rainfall depth in millimetres, as well as the management regimes which ensure the separation of dirty and potentially contaminated water.
2. an Irrigation Water Monitoring Program which must include, at a minimum:
 - (a) characterisation of the water quality collected in and potentially irrigated from the sediment ponds for a full suite of relevant indicators and as a basis for deriving irrigation trigger values;
 - (b) trigger values for action and associated actions or mitigation measures if trigger values are exceeded;
 - (c) details of the location of the area to be irrigated;
 - (d) an assessment of the sustainability of the irrigation area with particular regard to the risk of enhanced soil salinity.

The suite of indicators monitored can be reduced over time if it is demonstrated that a pollutant is not present in the sediment pond(s) or if it does not represent a risk of non-trivial harm to human health or the environment