



Office of  
Environment  
& Heritage

Our reference: DOC11/28656  
Contact: Stefan Press, (02) 6229 7002

Mr Howard Reed  
Manager Mining Projects  
Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

11 July 2011

Dear Mr Reed

**RE: Modification of Project Approval 06\_0074 – Peppertree Quarry, Marulan South**

I refer to your letter dated 16 June 2011, requesting comments from the Office of Environment and Heritage (OEH) in relation to the proposed modification of Project Approval 06\_0074 - Peppertree Quarry under Part 3A - Section 75W of the *Environmental Planning and Assessment Act 1979*. OEH received the environmental assessment (EA) for the modification proposal from Boral Resources (NSW) Pty Ltd on 20 June 2011.

OEH has conducted a review of the EA, including the relevant attached specialist reports and has identified a number of issues in relation to the proposed modification for the Department of Planning and Infrastructures' (DPI) consideration. In summary, these issues relate to:

- a) Noise
- b) Threatened species and their habitat

Attachments 1 outlines specific details in relation to these issues.

Should you wish to discuss this matter further, please contact Stefan Press on 6229 7002.

Yours sincerely

**JULIAN THOMPSON**  
Unit Head – South East Region  
Environment Protection and Regulation Group

## ATTACHMENT 1

### Noise

The Office of Environment and Heritage (OEH) has conducted a review of the noise impact assessment contained within the Environmental Assessment (EA) titled "Boral Peppertree Quarry Section 75w Modification", prepared by ERM and dated June 2011.

OEH notes that the proponent is proposing changes to the current approved noise limits for the Peppertree Quarry, including the addition of a new noise sensitive location (receptor 16). OEH notes that it does not appear that a revised cumulative noise impact assessment has been undertaken for the proposed modification of the operations at the Peppertree Quarry. OEH also notes that the noise impact assessment does not contain an assessment of sleep disturbance impacts, with the EA not containing any  $L_{A1(1 \text{ minute})}$  noise levels from the proposed modified operations of the Peppertree Quarry. As such, in the absence of this information OEH is not able to make any comments/recommendations to the Department of Planning and Infrastructure (DPI) on the suitability and appropriateness of the proposed new noise limits for the Peppertree Quarry.

OEH also notes that the Project Specified Noise Limits (PSNL) as nominated in Tables 5.10 to 5.12 are the currently approved noise limits for the Peppertree Quarry and are not based on the relative background level (as presented in Table 5.2) plus 5 dB(A) as required in the NSW Industrial Noise Policy (2000).

Further, OEH notes that the noise impact assessment does not detail any relevant modifying factor corrections and whether any are applicable to the proposed modification of operations at the Peppertree Quarry. It is important to note, that if a modifying factor correction is applicable for the proposal then the predicated noise levels from the modified operations could exceed the land acquisition criteria as specified in condition 5, schedule 3 of the original project approval.

OEH would be happy to provide further advice in relation to the above identified noise issues and/or meet with the proponent and its consultants in order to clarify what further information is required in order to recommend revised noise limits for the modified proposal.

### Threatened Species

OEH notes that the EA does not contain a test of significant in accordance with Part 5A of the *Environmental Planning and Assessment Act 1979*. It is important to note that since the original project approval in 2007 additional threatened species and endangered ecological community listings have been made to the *Threatened Species Conservation Act 1995*. Given these additional listings, OEH recommends that an updated biodiversity assessment in accordance with Part 5A of the EP&A Act be conducted for the proposed modification.

Whilst it is acknowledged that additional surveys may not be required prior to any proposed clearing, OEH recommends that DPI impose by way of condition(s) of consent the following mitigation measures to reduce the impact to threatened species and their habitat;

- To ensure that the Box Gum Woodland Endangered Ecological Community and other native vegetation is not disturbed unnecessarily during construction works, all native vegetation adjacent to the construction site should be securely fenced prior to construction works occurring to prevent access by construction equipment and personnel
- Clearing of vegetation should be avoided between August – November to avoid impacts to threatened bird & bat species
- Clearing of vegetation between August – November should only be undertaken following reliable surveys by a suitably qualified person immediately prior to clearing.
  - Reliable surveys include;

- A minimum of two diurnal bird surveys (on separate days) in the early morning and late afternoon for 1 hour, targeting nesting sites for threatened bird species;
  - A minimum of two nocturnal surveys targeting Microchiropteran bats species.
  - If a threatened species is detected nesting during the field surveys, a 200m buffer must be applied to the site. The buffer must be retained until the birds have fledged from the nest.
  - Clearing must be undertaken immediately after (within 3 weeks) of field surveys.
  - If a major Microchiropteran bat roost is observed the proponent must consult with the OEH for further advice.
- Clearing should be supervised by a suitably qualified ecologist.