



DOC19/813184-3

Department of Planning, Industry and Environment
Returned via the Major Projects Portal

Attention: Ms Gen Seed

16 October 2019

Dear Ms Seed

**Amended Response to Submissions
Brandy Hill Expansion Project (SSD 5899)**

I refer to the email from the Department of Planning, Industry and Environment (DPIE) to the Environment Protection Authority (EPA) dated 2 October 2019 seeking the EPA's advice in relation to the Proponent's Amended Response to Submissions (RtS) and specifically, the revised Air Quality Impact Assessment, for the Brandy Hill Expansion Project (SSD 5899).

The Proponent, Hanson Construction Materials Pty Ltd, is proposing to continue and expand quarrying activities at the Brandy Hill Quarry. Environment Protection Licence 1879 (the Licence) applies to the Brandy Hill Quarry and as such, the EPA remains the Appropriate Regulatory Authority for any environmental pollution matters under the *Protection of the Environment Operations Act 1997* (the POEO Act).

The EPA has reviewed the revised AQIA and has determined that it is now able to provide its recommended conditions of approval for the Proposal. The EPA's recommended conditions of approval are at **Attachment A** to this letter in addition to those conditions already present on the Licence, not all of which have been reproduced here. Please note that the provisions of the POEO Act and its Regulations also apply in addition to these conditions. The Proponent will need to make a separate application to vary the Licence should approval be granted.

If you have any questions about this matter, please contact Matthew Corradin on 02 4908 6830 or by email to hunter.region@epa.nsw.gov.au

Yours sincerely

MITCHELL BENNETT
Head Strategic Operations Unit
Environment Protection Authority

ATTACHMENT A – EPA recommended conditions of approval

Note: the condition numbers and headings used in this attachment are for referencing purposes only.

Administrative Conditions

- A1.1 The Proposal must be undertaken in accordance with the Development Application and accompanying Environmental Impact Statement (and Appendixes) as amended and superseded.
- A1.2 The Project Approval authorises the carrying out of the following activities at the premises. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of the Project Approval, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Extractive activities 2000000 T capacity to extract,	Extractive activities	> 500000 – annual process or store
Crushing, grinding or separating 2000000 T processing	Crushing, grinding or separating	> 500000 – annual capacity
Resource recovery recovered	Recovery of general waste	Any general waste

- A1.3 Notwithstanding condition A1.3, extractive activity production rates at the premises must not exceed:
- 5,000 tonnes per day; and
 - 1.5 million tonnes per year.

Limit Conditions

- L1.1 Noise generated at the premises must not exceed the noise limits in the table below.

Location	NOISE LIMITS dB(A)			
	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{A1} (1minute)
<i>R14 – 1034 Clarence Town Road</i>	38	38	36	46
<i>R17 – 1189 Clarence Town Road</i>	37	37	37	47
<i>R16 – 1094 Clarence Town Road</i>	37	37	36	46
<i>R13.1 – 994 Clarence Town Road</i>	36	36	36	46
<i>R13.2 – 104 Brandy Hill Drive</i>	36	36	35	45

<i>Any other residential receiver not subject to a negotiated agreement</i>	35	35	35	45
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Note: Location numbers are taken from the Updated Noise Impact Assessment for the Brandy Hill Quarry Expansion prepared by Vipac (Ref 29N-14-0060-TRP-822352-13, dated 26 September 2018).

- L1.2 For the purpose of the condition L1.1:
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays;
 - Evening is defined as the period 6pm to 10pm; and
 - Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.
- L1.3 The noise limits set out in condition L1.1 apply under all meteorological conditions except for the following:
- Wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - Stability category G temperature inversion conditions.
- L1.4 For the purposes of condition L1.3:
- Data recorded by a meteorological station installed on site must be used to determine meteorological conditions; and
 - Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.
- L1.5 To determine compliance:
- with the $L_{eq(15 \text{ minute})}$ noise limits in condition L1.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - 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
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
 - with the $L_{A1(1 \text{ minute})}$ noise limits in condition L1.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
 - with the noise limits in condition L1.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L6.5(a) or L6.5(b).
- L1.6 A non-compliance of condition L1.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by conditions L6.5(a) and L6.5(b); and/or
 - at a point other than the most affected point at a location.

L2.1 Except as may be expressly provided in any condition of an in-force environment protection licence, the licensee must comply with section 120 of the *Protection of the Environment Operations Act 1997*.

L3.1 The proponent must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this approval.

Code	Waste	Description	Activity	Other limits
NA	General solid waste – non-putrescible	Cured concrete waste	Waste storage Resource recovery	Maximum amount of waste permitted to be received per year is 20,000 tonnes. Maximum amount of waste permitted to be stored onsite at any one time is 20,000 tonnes.

Operating Conditions

O3.1 The premises must be maintained in a condition which prevents or minimises the emission of air impurities, including dust, from the premises.

O3.2 All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of air impurities, including dust, from the premises.

O3.3 Trucks entering and leaving the premises that are carrying loads of materials that may generate air impurities, including dust, must have their loads covered at all times, except during loading and unloading.

O4.1 Prior to the commencement of any surface disturbance and/or construction activities associated with SSD 5899, the Proponent must install and maintain appropriate erosion and sediment control measures at the premises in accordance with the publication "Managing Urban Stormwater: Soils and construction – Volume 1" (Landcom, 2004) and "Managing Urban Stormwater: Soils and construction – Volume 2E, Mines and quarries" (DECC, 2008).

O5.1 The Proponent must maintain a waste register that tracks any waste received at or transported from the premises that clearly identifies each entity and vehicle involved in the waste transaction and the premises from which or to which the waste originated or was transported to.

O5.2 The Proponent must retain all waste related records in a legible form, or in a form that can readily be reduced to a legible form, for at least 4 years after the record was made.

Monitoring Conditions

M1.1 To assess compliance with Condition L1.1, attended noise monitoring must be undertaken in accordance with Conditions L1.5 and:

- at each one of the locations listed in Condition L1.1;
- occur annually in a reporting period;

- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
 - i. 1.5 hours during the day;
 - ii. 30 minutes during the evening; and
 - iii. 1 hour during the night.
- d) occur for three consecutive operating days.

M1.2 Conditions M1.1 and R1.1 may be suspended by the approval authority if ongoing monitoring demonstrates compliance with relevant limit conditions.

M2.1 The proponent must monitor (by sampling and obtaining results by analysis) the parameters specified in Table 1, Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Table 1: Required monitoring parameters for the on-site meteorological station

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm/hour	continuous	1 hour	AM-4
Sigma theta	degrees	continuous	10 minute	AM-2 and AM-4
Siting				AM-1
Temperature at 2 metres	kelvin	continuous	10 minute	AM-4
Temperature at 10 metres	kelvin	continuous	10 minute	AM-4
Total solar radiation	watts per square metre	continuous	10 minute	AM-4
Wind Direction at 10 metres	degrees	continuous	10 minute	AM-2 and AM-4
Wind Speed at 10 metres	metres per second	continuous	10 minute	AM-2 and AM-4

Note 1: Sampling methods as defined in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

M2.3 The location of the meteorological station established to monitor the parameters listed in Condition M2.1 must be negotiated with the approval authority prior to being established.

M2.2 The proponent must develop and implement a calibration, quality assurance, quality control and audit program for the meteorological monitoring station. The program must be approved by the EPA prior to the installation of any new monitoring equipment.

Reporting Conditions

- R1.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the yearly monitoring in accordance with condition M1.1. 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 L1.1; and
 - b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L1.1.