



Mr Samuel Tarabori
Operations Manager
Epic Mining Pty Ltd
PO Box 177
KEMPS CREEK NSW 2178

Dear Mr Tarabori

Luddenham Clay/Shale Quarry – Modification 4 (DA 315-7-2003 MOD 4)
Request for Response to Submissions

The public exhibition of the Environmental Assessment (EA) for Modification 4 concluded on Friday 14 October 2016. The Department received nine submissions from government agencies. No public submissions were received.

The Department has also identified several areas where further assessment or additional information is required (see **Attachment A**).

The Secretary requests that you prepare and submit a report detailing your responses to the issues raised in submissions, at your earliest convenience. The submissions can be viewed on the Department's website www.majorprojects.planning.nsw.gov.au.

If you wish to discuss this matter, please contact Megan Dawson on 9274 6391.

Yours sincerely,

Howard Reed
Director
Resource Assessments

19.10.16

Attachment A

1. Water

In addition to the Department of Primary Industries and Liverpool City Council's comments on water, the Department requests further information or clarification with respect to the following water-related matters:

- a. Section 6.2 of the EA describes Epic Mining's 'Nil Water Discharge Policy'. The Department understands that this internal policy should be considered as a target or initiative as water discharges may be required during adverse weather conditions. Appendix H of the EA further states that excess water would be treated and released into the existing watercourse if the storage ponds reach full capacity. Considering that water discharges may be required, please provide additional information on the licensed water discharge point.
- b. With regards to the proposed surface water management system, please provide:
 - a revised schematic flowchart (Figure 6-4) to reflect the potential water discharges into Oak Creek and provide a revised map (Figure 6-6) showing the licensed discharge point;
 - additional information regarding the "pump out" of surface water from the composting area (as shown in Figure 6-4); and
 - additional information on the proposed management of clean vs non-clean surface water on site.

2. Biodiversity

The Department requests additional information or clarification with respect to the following biodiversity-related matters:

- a. With reference to the proposed mitigation and management measures in Section 7.3.3 of the EA, please provide additional information on how the vegetated riparian zone would not be adversely impacted.
- b. The Lesryk Flora & Fauna Report in Appendix I mentions that there will be a buffer of tree plantings along the northern and western boundaries of the site to minimise visual and noise impacts. This statement conflicts with the recommendations in Section 7.2.4 of the EA. Please clarify whether this tree planting is or is not proposed.

3. Aboriginal Cultural Heritage

Section 8 of the EA notes that there is an identified area of Aboriginal cultural significance within the riparian zone of the existing approved site. This site is fenced and protected as part of an Aboriginal cultural heritage exclusion area. As the riparian zone continues north, along Oak Creek, into Lot 281 DP 571171, the Department considers that, in absence of a due diligence archaeological assessment, there is potential for unidentified artefacts to occur within this zone. Whilst the proposed stockpile area has been positioned on cleared land >20 metres away from the vegetated riparian zone, the Department requests that additional avoidance measures be considered.

4. Noise

The Department shares a number of concerns raised by the Environment Protection Authority (EPA) regarding the noise impact assessment in Section 9 of the EA. The Department requests further information or clarification with respect to the following noise-related matters:

- a. The EPA's submission notes that the noise impact assessment did not meet appropriate guidelines and standards and insufficiently assessed potential noise impacts. The Department agrees with the EPA's comments and considers that the methodology used and the assumptions made are unclear and insufficient.

The Department notes that it previously advised Epic Mining that a simplified noise assessment would be appropriate considering the minimal impacts and associated risk. This advice remains; however the Department wishes to clarify that any noise modelling, if undertaken, must generally follow industry guidelines and standards, such as the NSW *Industrial Noise Policy* (INP). Any alternate methodologies used must be thoroughly justified.

- b. Epic Mining has requested that the noise criteria in the consent be reviewed to reflect the likely increased background noise limits from changes to surrounding land uses and the proposed construction and operation of the adjacent Western Sydney Airport.

The Department appreciates that background noise levels may have increased, however it is not in a position to consider the proposed project specific noise levels (PSNLs) in Table H2 of Appendix H of the EA unless the levels are supported by adequate noise modelling. Please provide additional information to support the proposed noise criteria.

- c. Please provide further justification for not considering Hubertus Country Club as a sensitive receiver in the noise impact assessment.

5. Visual Amenity

The EA includes a visual impact assessment in Section 15 and a Visual Analysis in Appendix J. The photo montages show the current landscape; however they do not show the predicted visual impacts of proposed activities. Please provide additional photo montages that demonstrate how the proposed landscape earth berms would reduce the visual impacts of the stockpile and composting areas.

6. Agency submissions

The Department requests the RTS consider and respond to all agency submissions received, including advice presented and recommendations made therein.