

DOC19/363153-4 DA 18/1135

> Pukar Pradham Senior Development Assessment Planner Penrith City Council PO Box 60 PENRITH NSW 2751

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31 May 2019

Dear Pukar

# Request for comment on Dixon Sand Pty Ltd's DA 18/1135 – Rehabilitation of Agnes Banks Quarry – 497a Castlereagh Road, Agnes Banks NSW 2753

I refer to Penrith City Council's ("Council") request for comment on Dixon Sand Pty Ltd's development application to rehabilitate Agnes Banks Quarry, located at 497a Castlereagh Road, Agnes Banks (DA 18/1135), received by the Environment Protection Authority ("EPA") on 30 April 2019.

The EPA understands DA 18/1135 pertains to land currently licensed under Environment Protection Licence (EPL) no 4939, for the scheduled activities: crushing, grinding or separating and extractive activities. The EPA notes the scheduled activities is currently limited to the remaining section of the land not subject to remediation works. The EPA's comments anticipate the potential surrender of land included in DA 18/1135, and as such they are tailored to provide Council an appropriate level of regulatory oversight should they become the appropriate regulatory authority for environmental matters on that land, if Dixon Sand Pty Ltd apply to surrender the EPL.

The EPA has reviewed the Environmental Impact Statement ("the report"), prepared by Umwelt (Australia) Pty Ltd, dated November 2018. The EPA provides the following comments:

### Waste

The EPA recommends Council include a condition to require Dixon Sands Pty Ltd to maintain a log of all truck movements and certification for all fill material imported and land applied at the premises.

### Noise

### Noise from existing operations:

Chapter 5.2.8 of the noise report addresses cumulative noise from other sites, however does not include any comment on the existing operations. There are receivers such as R35 that have potential to be impacted by both rehabilitation activities and use of screens, loaders and product trucks at the

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active quarry site being carried out concurrently, which have not been assessed in the report. As a result, it is not clear what the impact will be from the existing and proposed activities carried out at the quarry.

Council should request the proponent to assess the noise impacts of quarry and rehabilitation operations including activities planned to occur at the quarry. This should also include considering noise impacts likely to occur concurrently and separately to the proposed rehabilitation activities.

### Predicted noise levels from truck movement from rehabilitation

Chapter 5.2 of the report assumes that all truck movements will be evenly distributed over an 8-hour working day. The predicted noise levels for the typical and maximum operational scenarios differ significantly due to the variation in the number of truck movements. This means the predicted noise impact depends on the number of truck movements in any 15 minute period. The noise report has not provided any justification for the assumption that truck movements will be evenly distributed across the 8-hour working day. Since the predicted noise level is contingent on this assumption, Council should request the proponent provide further information to justify this assumption.

# Implementation of noise mitigation measures

The noise mitigation measures set out in Chapter 8.1 of the report must be implemented. In addition to the proposed conditions, Council should include the following requirements:

1) Progressive development of noise bund/fences set out in noise report Figure 5-1.

The bunds must be constructed to block out the line of site between the working areas within the cell and the closest noise-sensitive receivers. If the construction of the bunds are developed progressively, the extent of the bunds will need to accommodate this principle.

2) Restriction of operating times in Cells 1 and 2 when work is within 50m of the western boundary.

Any restriction on operating hours should consider the views of the community following engagement with the potentially impacted receivers. It is recommended that the mitigation measures set out in Chapter 8.1 of the report are included as conditions of consent and also consolidated in a site noise management plan

### Manage noise during construction of the bunds

The EPA recommends Council include the following conditions to manage the noise impacts due to the construction of the bund:

The establishment of the noise bunds:

- a) Must be completed prior to other rehabilitation operations at the premises.
- b) Construction must be completed within 6 months of development approval.
- c) Construction of bunds must only be undertaken during the hours of 9am to 3pm Monday to Friday. Work during other hours between 7am to 6pm Monday to Friday and 7am to 1pm Saturdays may only be undertaken if an agreement is reached with receivers located at Lot 3 DP1167021, Lot 21 DP1167021 and Lot 22 DP1167021.

# Erosion and sediment control

The report proposes sizing basins to achieve the required water quality up to the 5-day 80th percentile rainfall event (22.4mm), citing the recommendations of *Managing Urban Stormwater: Soils and Construction, Volume 1* (Landcom, 2004). Landcom (2004) provides guidance on stormwater management during the construction-phase of urban development, which may not be appropriate for ongoing stormwater management. *Managing Urban Stormwater: Soils and Construction, Volume 2e* 

*Mines and Quarries* (DECC, 2008) provides relevant guidance for longer-term stormwater management and recommends that:

• where the duration of disturbance is more than three years and the receiving environment is not sensitive, Type D sediment retention basins should be designed to achieve the required water quality for storms up to the 90th percentile 5-day storm event (39.7mm at Richmond).

The EPA recommends Council include the following condition on DA 18/1135:

• The sediment retention basins must be designed and constructed consistent with Managing Urban Stormwater: Soils and Construction, Volume 2e Mines and Quarries (*DECC*, 2008) to achieve the required water quality for storms up to the 90th percentile 5-day storm event (39.7mm).

The EPA is unclear whether the sediment retention basins would be dewatered via onsite reuse or controlled discharges. There are likely to be options for reuse given that the EIS states that the existing dam would be dewatered via onsite reuse. A discharge impact assessment would be required if controlled discharges are proposed. The EPA recommends Council:

• Seek confirmation from the applicant that the sediment retention basins will be dewatered through onsite reuse and that no controlled discharges are proposed.

If you wish to discuss the letter, please contact Kyle Browne, Operations Officer, on 9995 6107 or via email at kyle.browne@epa.nsw.gov.au.

Yours sincerely

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