



DOC17/221320-04

The General Manager
Albury City Council
PO Box 323
ALBURY NSW 2640

By email: info@alburycity.nsw.gov.au

Attention: Marius Shepherd

Dear Mr Zaknich

Re DA 10.2018.36584.1 – Proposed extension of Andersons Clay Mine

I refer to the letter from Albury City Council regarding the development application and accompanying Environmental Impact Statement received by the Environment Protection Authority (EPA) on 9 January 2019 for the proposed extension of the Anderson Clay Mine at Lot 2 DP 856969, 253 Shaw Street, Lavington.

We have reviewed the development application and accompanying information and note that there is no increase to extraction rates for the proposal but rather an extension of the footprint to include an extra 2.5 hectares to be mined. We have determined that we are able to modify the existing Environment Protection Licence (EPL No 20938) for the proposal, subject to the additional conditions outlined in Attachment A.

If Albury City Council grants development consent for this proposal, the conditions provided in Attachment A should be incorporated into the consent. The conditions are in addition to the existing licence conditions and therefore the applicant will need to make a separate application to the EPA to vary the licence.

Please note, on 6 March 2019 we contacted the proponent and advised them of our intended general terms that would include conditions relating to noise and dust which require further assessment and approval from the EPA, prior to the extension works being carried out.

In the event that the development is modified either by the applicant prior to the granting of the consent or as a result of conditions imposed by the determining authority, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our conditions are required to be modified as a result of any proposed alterations.

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If you have any further enquiries about this matter please contact Amanda Baldwin by telephoning 02 6969 0700 or by electronic mail at riverina.farwest@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. Creed', is positioned to the left of the date.

7 March 2019

JESSICA CREED
Head Regional Operations Unit – Riverina Far West Region
Environment Protection Authority

Attachment 'A'

Extraction limit

Activities at the premises must not exceed 50,000 tonnes per annum extracted, being the amount equivalent to the extraction limit approved by the development consent granted under the *Environmental Planning and Assessment Act 1979* for the premises.

Dust Management Plan

The proponent must engage a suitably qualified and experienced person to develop a dust management plan, prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2005)* to assess the potential impacts of particulates on nearby sensitive receptors.

The assessment must include, but is not limited to, the following.

- A detailed description of the activities occurring at the premises;
- Details about the receiving environment, including the following:
 - Meteorology and climate;
 - Topography;
 - Surrounding land use;
 - Nearby sensitive receptors; and
 - Ambient air quality.
- A consideration of 'worst case' emission scenarios and impacts at proposed emission limits. Justification for the 'worst case' must also be included.
- Account for cumulative impacts associated with existing emission scenarios as well as any currently approved developments linked to the receiving environments.
- Air dispersion modelling where there is a risk of adverse air quality impacts, or where there is sufficient uncertainty to warrant a rigorous numerical impact assessment.
- Demonstrates the premises ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations (POEO) Act 1997* and the POEO (Clean Air) Regulation 2010.
- Detail emission control techniques/practices that will be employed at the premises; and
- Locations that are representative of the nearest sensitive receptors where dust deposition gauges will be installed and monitored by the proponent.

The dust management plan must be provided to the EPA by electronic mail to riverina.farwest@epa.nsw.gov.au for review and approval prior to the commencement of works associated with the expansion approval granted under development application 10.2018.36584.1.

Noise Management Plan

The proponent must engage a suitably qualified and experienced person to develop a noise management plan, prepared in accordance with the NSW Noise Policy for Industry (2017).

The noise management plan must include, but is not limited to, the following:

- The project noise trigger levels for the activities occurring and proposed to occur at the premises;
- A prediction or measurement of the noise levels produced by the proposal; having regard to the presence of annoying noise characteristics (Fact Sheet C) and meteorological effects such as temperature inversions and wind (Fact Sheet D);
- A comparison of the predicted or measured noise levels with the project noise trigger level; and an assessment of the impacts and the need for noise mitigation and management measures;
- A consideration of residual noise impacts;
- Proposed noise limits for the premises; and
- Proposed noise monitoring for the premises.

The noise management plan must be provided to the EPA by electronic mail to riverina.farwest@epa.nsw.gov.au for review and approval prior to the commencement of works associated with the expansion approval granted under development application 10.2018.36584.1.

Vibration Management Plan

The proponent must engage a suitable qualified and experienced person to develop a vibration management plan assessment, prepared in accordance with the *Environmental Noise Management Guideline - Assessing Vibration: a technical guideline (DEC, 2006)*, to determine potential vibration impacts from the premises and identify mitigation measures to be implemented should impacts be identified.

The vibration management plan must be provided to the EPA by electronic mail to riverina.farwest@epa.nsw.gov.au for review and approval prior to the commencement of works associated with the expansion approval granted under development application 10.2018.36584.1.