

ASSESSMENT REPORT

Section 75W Modification Tooheys Brewery, Lidcombe Modification to delete odour condition 24b (06_0303 MOD 5)

1. PROJECT BACKGROUND

Tooheys Brewery is located in Nyrang Street, Lidcombe in the Auburn Local Government Area (see Figure 1). The site is bounded on three sides by industrial premises and by the residential suburb of Lidcombe to the east.



Figure 1: Tooheys Brewery in the regional context

The nearest residential receivers are located immediately opposite the site entrance on the eastern side of Nyrang Street in Lidcombe (see Figure 2).

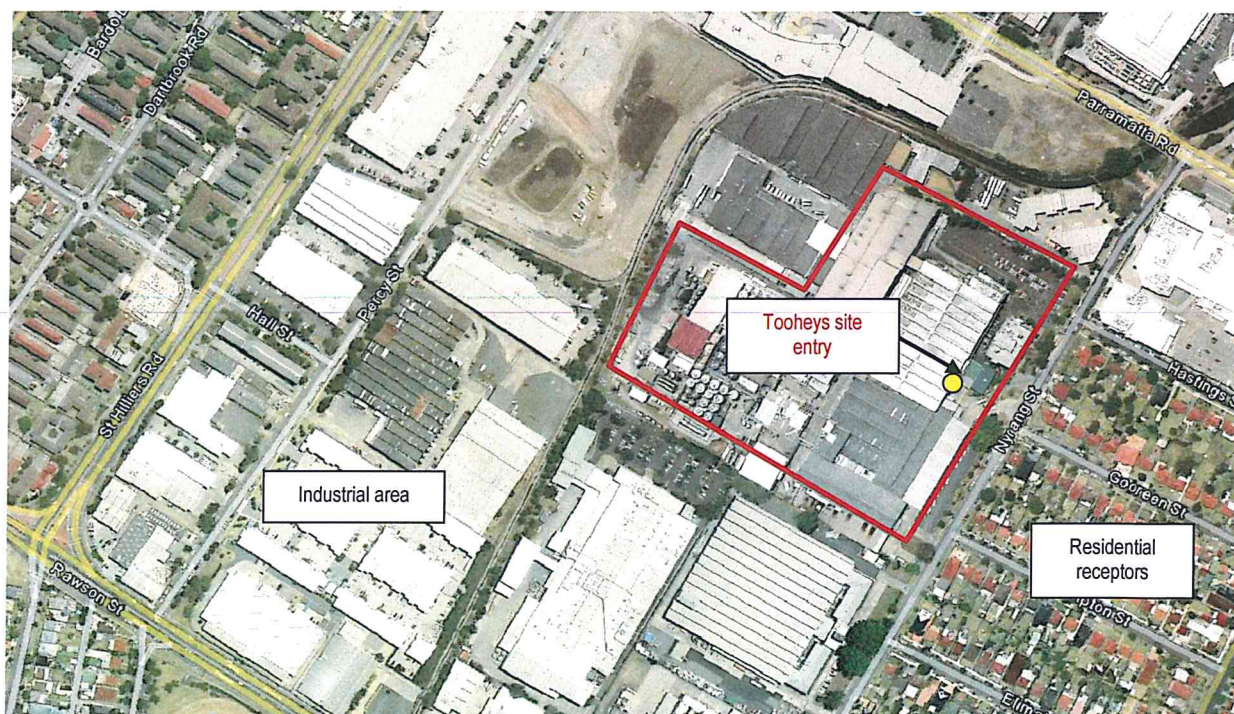


Figure 2: Site and immediate surrounds

The site commenced operations in the 1960s initially as a packaging facility. Beer and brewing commenced in 1978. In July 2007, the then Minister for Planning approved a Part 3A project application for a major upgrade to the brewery, which included:

- a new beer processing building and new beer processing equipment;
- a new bright beer tank cellar and new bright beer tanks;
- an increase in production capacity to up to 330 mega-litres of beer per annum; and
- upgrade of utilities including heating, refrigeration and compressed air plant to improve energy efficiency.

The upgrade has been completed. In addition to the project approval, Tooheys is required to operate the facility in accordance with an Environment Protection Licence (EPL) issued by the Environment Protection Authority (EPA).

The 2007 approval has previously been modified on four occasions, as follows:

- 06_0303 MOD 1 - to install a 2 megawatt cogeneration plant in order to further reduce the brewery's reliance on grid electricity;
- 06_0303 MOD 2 - to install new fermentation vessels and make minor changes to the site layout to allow for a longer processing time for the Heineken product;
- 06_0303 MOD 3 - to install a new cooling tower and a Wastewater Treatment Plant (WTP) to meet Sydney Water's effluent trade waste requirements; and
- 06_0303 MOD 4 - to increase the operational noise limits for the site as set out in both the project approval and the site's EPL.

Relevantly, modification 3 to install the WTP resulted in three additional approval conditions, which required:

- an odour validation assessment of the WTP 60 days after it is commissioned (Condition 24a);
- an odour impact assessment for the whole brewery operation, which is to include odour sampling and dispersion modelling, 90 days after the WTP is commissioned (Condition 24b); and
- implementation of a facility-wide air quality, odour monitoring and management plan (Condition 24c).

The WTP is due to be commissioned and Tooheys now requests deletion of Condition 24b for the facility wide odour assessment by way of a modification to the approval under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

2. PROPOSED MODIFICATION

Tooheys proposes to modify the approval by deleting Condition 24b. Tooheys suggests that there are many minor potential sources of odour from the existing brewing process across the site, which would result in a large cost and a long time to complete the assessment, but with uncertain benefits as odour has not historically been a problem with the facility.

Tooheys will continue to carry out a specific odour validation of the WTP 60 days after it is commissioned and also implement the site wide odour monitoring and management plan as required by the other approval conditions. In addition, should the WTP validation or the odour monitoring or indeed any community complaints indicate odour issues with the plant, Tooheys would investigate and resolve the matter as required by the EPA under the terms of the EPL.

3. STATUTORY CONTEXT

3.1 Approval Authority

In accordance with Clause 12 of Schedule 6A of the Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

The Minister for Planning delegated responsibility for the determination of section 75W modification applications to Directors and Managers who report to the Executive Director, Infrastructure and Industry Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposal complies with the terms of the delegation as Auburn Council (Council) does not object to the proposal, a political disclosure statement has not been made in relation to the application, and no public submissions were received in the nature of objections. Accordingly, the Manager – Industry Assessments may determine the application in accordance with the Minister's delegation.

3.2 Modification

The Department is satisfied that the application can properly be characterised as a modification to the original development consent, and can therefore be assessed and determined under Section 75W of the Act.

The Department notes that there are no changes to the processes that occur on site and therefore no changes to the environmental impacts of the facility. Any ongoing risk of odour emissions can be adequately managed with the two odour related approval conditions that would remain in the approval.

3.3 Consultation

The Department made the application publicly available on its website and consulted with the EPA, and Auburn City Council (Council). Wider consultation with other agencies and the community was considered to be unnecessary because the modification would not change the impact profile of the facility. A summary of the issues raised in the EPA's and Council's submissions is provided below.

No public submissions were received.

Environment Protection Authority – advised that it has been involved in discussions with Tooheys regarding the deletion of Condition 24b from the approval. The EPA raised no

concerns with the proposal and advised that if unacceptable odours are detected off-site in the future, it would instruct Tooheys to investigate and resolve the matter under the EPL.

Auburn City Council – did not object to the proposal and requested that the potential odour impacts on residential premises in the locality be carefully considered in the Department's assessment and that an appropriate complaints response mechanism be implemented to ensure the amenity of the area is not adversely impacted by the deletion of Condition 24b.

4. ASSESSMENT

In assessing the merits of the modification, the Department has considered the:

- Environmental Assessment (EA) for the modification (see **Appendix B**);
- Secretary's assessment reports for the original project approval and previous modifications;
- existing approval conditions;
- agency and Council submissions (see **Appendix C**);
- relevant environmental planning instruments, policies and guidelines;
- requirements of the Act, including the objects of the Act.

4.1 Assessment of deletion of odour condition 24b

As described above, condition 24b of the project approval requires facility-wide odour sampling and dispersion modelling to be undertaken within 90 days of commissioning the wastewater treatment plant (WTP). The condition was originally recommended by the EPA out of an abundance of caution for the potential cumulative odour impacts associated with the operation of the WTP within the overall facility.

However, the site has a long history of successful odour management. In 2002, Tooheys implemented an odour reduction program under its EPL to reduce odour impacts from the site. The 2008 odour impact assessment, which was required by the 2007 upgrade approval, found odours associated with the volatile organic compounds released during the heating stages of the process. With this finding, Tooheys implemented additional odour reduction measures at site to reduce these odour emissions.

In addition, any odour complaints from the community automatically trigger an odour management process under the EPL by which the source of the odour is investigated and resolved. The Department notes that only three such complaints have been made since the odour reduction program of 2002. This is an average of one complaint every four years.

Consequently, the Department holds the view that odour emissions from the current operation of the overall facility are not a significant risk to the community. The additional costs to Tooheys in taking odour samples from the very wide range of potential sources at the site and applying sophisticated dispersion modelling is unlikely to reveal significant unknown odour problems, or lead to the need for additional odour mitigation. It would appear, on a balanced review of the condition, that it is unwarranted at this stage and may be deleted.

The EPA supports the Department's view. It advises that the condition can be deleted and instead rely on the other odour related approval conditions. To this end, Tooheys will carry out an odour validation of the actual WTP, 60 days after it is commissioned to identify and rectify any odour problems in the early stages of its operation. Tooheys will also fully implement the facility wide odour monitoring and management plan under the other existing odour related condition of approval.

Council does not object to the modification, but asks the Department to carefully consider the removal of the condition and ensure there are appropriate processes to address and resolve odour complaints. Such a process is already in place under the EPL. As previously mentioned, in the event of odour emissions being detected beyond the site boundary, the EPA would instruct Tooheys to carry out an investigation under the EPL to find and remedy the odour source.

5. CONCLUSION

The Department's assessment has found that the risk of odour impacts is quite low and insufficient to justify the cost and time of a full facility wide odour audit. Tooheys have a track record of timely odour management, which can continue with the supervision of the EPA under the EPL. Very few odour complaints have actually been made since Tooheys carried out its 2002 odour reduction program.

Both the Department and the EPA considers it reasonable for Tooheys to focus on the existing requirements of the project approval and the EPL, which require an odour audit of the WTP in particular, the implementation of a site-wide odour monitoring and management plan, and continuation of its established complaints management process to respond to complaints raised by the community

Consequently, the Department is satisfied that the proposed modification to delete Condition 24b is acceptable and should be approved.

6. RECOMMENDATION

It is **RECOMMENDED** that the Manager – Industry Assessments:

- **consider** the findings of this report;
- **approve** of the proposed modification under Section 75W of the Act; and
- **sign** the attached instrument (Tab A).



David Mooney
Senior Planner
Industry Assessments

1.12.14

Pamela Morales
Planner



Chris Ritchie
Manager
Industry Assessments

3/12/14