



DOC20/32079-3

Shaun Williams
Department of Planning, Industry and Environment
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Email: Shaun.Williams@planning.nsw.gov.au

Dear Mr Williams

**Secretary's Environmental Assessment Requirements
Proposed New Berrima Brickworks Facility, 416 and 524 Berrima Road, Moss Vale (SSD-10422)**

I refer to your email and attached information to the Environment Protection Authority (EPA) of 16 January 2020 requesting input for the Secretary's Environmental Assessment Requirements (SEARs) for the above project. This project involves the construction and operation of a 50 million brick per annum plant with 24/7 operations to replace the existing Bowral plant.

Based on a review of the submitted information, please find attached our key requirements (Attachment A). These relate to:

- EPA Licensing and regulation
- Planning consideration
- Air Quality
- Water Quality
- Noise
- Waste Management
- Contaminated Land Management.

These should be assessed in accordance with any relevant guidelines/documents listed in Attachment B.

If you have questions regarding the above, please phone Craig Patterson on (02) 4224 4100.

Yours sincerely

A handwritten signature in black ink, appearing to be 'PB', followed by the date '21/01/20' written in black ink.

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Attachment A & B

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ATTACHMENT A

ENVIRONMENTAL ASSESSMENT REQUIREMENTS

EPA Licensing and regulation

The *Protection of the Environment Operations Act 1997* (POEO Act) and any associated regulations should be complied with at all times.

Under the *Protection of the Environment Operations Act 1997* (POEO Act), the company currently hold an Environment Protection Licence (EPL No 2073) for the Bowral brickworks plant. The Bowral brickworks premises is currently licensed under '*ceramic works*'. The proponent should check the EPA Guide to Licensing on the need to obtain an Environment Protection Licence (EPL) for the proposed new development. Based on a review of the information provided, it appears an EPL may be required.

Planning consideration

Details should be documented on the location of the proposed development including the affected environment to place the proposal in its local and regional environmental context. This should include but not be limited to details of land ownership, maps and/or aerial photographs showing surrounding land uses, planning zonings, potential sensitive receptors and catchments. Details should also be provided on the proposal's relationship to any other industry or facility. This should include details on the future of the existing Bowral brickworks plant and the transitional arrangements during the construction of the new plant.

The Environmental Impact Statement (EIS) should describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts (including any cumulative impacts) associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented. Appropriate Best Management Practices must be outlined.

Air Quality

The environmental outcomes of the project should be to ensure:

- emissions do not cause adverse impact upon human health or the environment.
- compliance with the requirements of the POEO Act and its associated regulations.
- no offensive odours are caused or permitted from the premises.
- emissions of dust from the premises (including material handling, storage, processing, haul roads, transport and material transfer systems) are prevented or minimised.
- maintains or improves air quality to ensure National Environment Protection Measures for ambient air quality are not compromised.
- all relevant guidelines in regard to ambient air quality are satisfied.

The EIS must include an Air Quality Impact Assessment (AQIA) prepared in accordance with the EPA's "Approved Methods and Guidance for the Modelling & Assessment of Air Pollutants in NSW". The AQIA must describe the methodology used and any assumptions made to predict the impacts. Air pollutant emission rates, ambient air quality data and meteorological data used in the assessment must be clearly stated and justified.

Emissions from all point sources are required to comply with the relevant Protection of the Environment Operations Clean Air Regulations 2010 standards of concentration. Using best practice and technology for control and mitigation of emissions, emission concentrations are expected to be well below these standards for certain pollutants.

The AQIA must identify and describe in detail all possible sources of air pollution (including pollutants) and activities/processes with the potential to cause air pollutants beyond the boundary of any premises proposed to be licensed by an EPL. This should cover both the construction and operational phases of the development. Potential sources may include but not be limited to

kiln/scrubber emissions, boiler emissions, crushing, storage, raw material handling and transport. The proponent must also provide expected emissions control performance efficiency of the proposed scrubber and kiln. Scrubber technology and performance efficiency should reflect international best practice and technology.

The AQIA should include cumulative assessment considering the background air quality of the region and other significant nearby emissions sources. The cumulative assessment should also include any developments having been granted development consent, but which have not commenced.

The proponent must include management, mitigation and control measures in the AQIA which are benchmark against best practice. Proponent must propose measures for the mitigation of particulate emissions from onsite activities including crushing, storage, raw material handling and transport. Enclosure of operations with particulate emissions and other best practice measures should be proposed for the facility. Draft concept plans indicate the crusher will be enclosed which the proponent should confirm in the air quality assessment.

The EIS should document any back up power supply systems including information on whether these will be operated with diesel or gas fired engines. Such activities must be undertaken in accordance with EPA's [Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra](#).

Water Quality

The environmental outcome for the project should ensure:

- there is no pollution of waters (including surface and groundwater)
- wastewater is collected, treated, and beneficially reused, where safe and practicable to do so.
- the facility is connected to the existing municipal sewerage system and this system has capacity to cater for any increased loads. This includes any pipelines and pumping stations used to convey sewage generated.
- bunding is designed in accordance with the EPA's Bunding and Spill Management guidelines.

The EIS should identify and describe all potential water discharges from the site (including both construction and operational phases) that could result in potential pollution of waters. This should include a characterisation of potential water pollutants, receiving waters (including surface and groundwater) and any associated mitigation and management measures to achieve the above outcomes.

The EIS should demonstrate how the stormwater management system will satisfy relevant contemporary guidelines such as *Managing Urban Stormwater - Soils and Construction - Volume 2E Mines and Quarries* (DECC June 2008).

Noise and Vibration

The environmental outcome of the project should be to minimise adverse impacts due to noise and vibration from the project. The facility should be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

The EIS must include a Noise Impact Assessment prepared in accordance with the NSW *Noise Policy for Industry* (NPfI). The assessment should include but need not be limited to the identification and assessment of all potential noise sources associated with the development, the location of all sensitive receptors, all operational configurations in each assessment time period (day, evening and night) and proposed hours of operation. The assessment should include all relevant details required by the NPfI, including an assessment of modifying factors such as low frequency noise according to NPfI Fact Sheet C. It should also include a detailed assessment of mitigation considered for the premises and a recommendation of reasonable and feasible mitigation to be applied, prior to assessing residual impacts, if any.

The proponent should ensure that they adequately address the potential for cumulative industrial noise impacts from the existing sources, their own proposal and any approved or substantially

proposed industrial sites. The proponent should establish the existing industrial noise contribution during the day, evening and night at relevant receivers to assist in establishing an appropriate project amenity level and potential cumulative industrial noise impacts. The proponent should also consider the need to measure existing industrial noise contributions as part of the initial surveys in line with NPfl Chapter 2.4, in light of the numerous existing and planned industrial sources in the vicinity of existing residential receivers.

Noise from construction activities should be assessed against the Interim Construction Noise Guideline (DECC 2009). All feasible and reasonable noise mitigation measures to be implemented for any construction noise should be identified.

As the project will be potentially traffic generating, the noise assessment should include an assessment of potential noise impacts arising from this traffic generating development in accordance with the *NSW Road Noise Policy (2011)* guidelines.

Waste

The goal of the development should be to ensure waste is managed:

- in accordance with the principles of the waste hierarchy and cleaner production.
- the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.
- land pollution is prevented.
- the beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so.
- any waste leaving the site is transported and disposed of lawfully.
- no waste disposal occurs on site.

All waste materials must be managed in accordance with the POEO Act 1997 and associated regulations and characterised in accordance with the EPA's Waste Classification Guidelines. If any waste materials possess hazardous characteristics, the EIS must provide details of how the waste will be treated or immobilised to render it suitable for transport and disposal.

The proponent should consult NSW EPA's Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (DEC 2012). This guideline provides information on better waste management practice in design, establishment, operation and ongoing management of waste services in commercial and industrial developments. This guideline can be accessed at: <http://www.epa.nsw.gov.au/warr/BPGuideCIFacilities.htm>.

7. Contaminated Land Management

The environmental outcome of the project is to ensure any contaminated land is identified and appropriately managed for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following:

- *Contaminated Land Management Act 1997*
- *Contaminated Land Management Regulation 2013*
- *State Environmental Planning Policy (SEPP) 55 – Remediation of Land*.

The involvement of an EPA-accredited Site Auditor should be considered during the contamination management process, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s).

ATTACHMENT B - GUIDANCE MATERIAL

Title	Web address
<u>Licensing</u>	
Protection of the Environment Operations Act 1997	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
EPA Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
<u>Air Quality</u>	
Approved methods for modelling and assessment of air pollutants in NSW	http://www.epa.nsw.gov.au/resources/air/ammodelling05361.pdf
Approved Methods for the Sampling and Analysis of Air Pollutants in NSW	http://www.epa.nsw.gov.au/resources/air/07001amsaap.pdf
Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW	http://www.epa.nsw.gov.au/resources/air/20060440framework.pdf
Technical Notes - Assessment and Management of Odour from Stationary Sources in NSW	http://www.epa.nsw.gov.au/resources/air/20060441notes.pdf
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+428+2010+cd+0+N
Air quality guidance note Construction sites	http://www.epa.nsw.gov.au/resources/air/mod3p3construc07268.pdf
<u>Noise and Vibration</u>	
Interim Construction Noise Guideline (2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
Noise Policy for Industry (EPA, 2017)	http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
NSW Road Noise Policy (2011)	http://www.epa.nsw.gov.au/noise/traffic.htm
Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC 1990)	http://www.epa.nsw.gov.au/noise/blasting.htm
<u>Waste, Chemicals and Hazardous Materials and Contaminated Land</u>	
Waste Classification Guidelines (2008)	http://www.epa.nsw.gov.au/waste/envguidlns/index.htm
Resource recovery exemption	http://www.epa.nsw.gov.au/waste/RRecoveryExemptions.htm
EPA's Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (Dec 2012)	https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/managewaste/120960-comm-ind.pdf
<u>Water and Soils</u>	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.nsw.gov.au/water/usinganzeccandwqos.htm

Title	Web address
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf
NSW Government Water Quality and River Flow Environmental Objectives	http://www.environment.nsw.gov.au/ieo/
Stormwater	
Managing urban stormwater: soils and construction	http://www.environment.nsw.gov.au/stormwater/publications.htm
Wastewater	
National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)	http://www.epa.gov.au/water/policy-programs/nwqms/
National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)	http://www.epa.gov.au/water/policy-programs/nwqms
Bunding and Spill Management	
Storing and Handling Liquids: Environmental Protection - Participants Manual	http://www.environment.nsw.gov.au/resources/sustainbus/2007210liquidsManual.pdf
Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation	http://www.environment.nsw.gov.au/resources/licensing/ecrchemicalsb05590.pdf
Contaminated Land	
State Environmental Planning Policy 55 - Remediation of Land (SEPP55)	http://www.planning.nsw.gov.au/assessingdev/pdf/sepp55_remediation.pdf
Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land	http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf
Guidelines under the Contaminated Land Management Act made or approved by the EPA	http://www.epa.nsw.gov.au/clm/guidelines.htm