



DOC21/1028187-4

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By electronic mail  
13 December 2021

Dear Ms Groth

**Environmental Impact Statement  
ARDEX Warehouse and Manufacturing Facility – Application SSD- 25725029  
657-769 Mamre Road, Kemps Creek**

Thank you for the request for advice from Public Authority Consultation (PAE-32062273), regarding a review by the NSW Environment Protection Authority (EPA) of Environmental Impact Statement (EIS) for Ardex Warehouse and Manufacturing Facility (Application SSD 25725029) at 657-769 Mamre Road, Kemps Creek.

The EPA understands that the proposal forms parts of the broader industrial precinct development, called the *Yards Industrial Estate*. The EPA has reviewed the following documents submitted to the Department of Planning, Industry and Environment (DPIE):

- *Environmental Impact Statement: Proposed Manufacturing Facility and associated Warehouse, 657-769 Mamre Road, Kemps Creek (Proposed Lot19, Approved under SSD 9522) (Final Version)* –Willowtree Planning Pty Ltd – 09 November 2021.
- *Ardex Warehouse and Manufacturing Facility, Air Quality Impact Assessment* (version 21.1137.FR1V3) – Northstar Air Quality Pty Ltd – 5 November 2021 (Appendix 7 of EIS)
- *Civil Engineering Report incorporating Water Cycle Management Strategy* (Revision D) – Costin Roe Consulting – 8 November 2021.
- *State Environmental Planning Policy No. 33, 657-769 Mamre Road, Kemps Creek* (Revision 1) – Riskcon Engineering Pty Ltd – 21 September 2021 (Appendix 14 of EIS)
- *Proposed Ardex Warehouse & Manufacturing Facility, 657- 769 Mamre Road, Kemps Creek. Noise and Vibration Impact Assessment* (version 6) – Renzo Tonin & Associates – 8 November 2021 (Appendix 22 of EIS)
- *Ardex Operational Summary and Management Report, Proposed Development Lot 12, 657-763 Mamre Road Kemps Creek* – Ardex (Appendix 23 of EIS)
- *Waste Management Plan Manufacturing/ Warehouse Facility Lot 12 (SSD-9522), 657-769 Mamre Road Kemps Creek, NSW* (Final Version) – Land & Groundwater Consulting Pty Ltd – 5 November 2021 (Appendix 29 of EIS)
- *Supplementary Site Suitability Assessment – Ardex Development Site, Mamre Road, Kemps Creek NSW* (Rev 2) – JBS&G Australia Pty Ltd – 5 November 2021 (Appendix 17 of EIS).

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The EPA understand the proposal is for:

- A new purpose-built manufacturing facility and associated warehouse for the production and distribution of Ardex products with the following production capacities:
  - Up to approximately 48,000 tonnes per annum of powder products; and
  - Up to approximately 25,000 KL per annum of liquid products.
- The operation of the warehouse and distribution facility by Ardex; and
- Torrens Title subdivision to create the subject allotment (proposed Lot 12).

The EPA has reviewed the EIS and notes that it does not completely address the information required by the Secretary's Environmental Assessment Requirements (SEARs), as detailed in a letter from the EPA dated 31 August 2021 (EPA ref. DOC21/744514). Notwithstanding this, the EPA acknowledges that any environmental and/or human health risk arising from the activity can be effectively mitigated if controls measures are implemented and maintained.

Based on the information provided in the EIS, the EPA is unable to determine if the proposal will require an environment protection licence (EPL) under the *Protection of the Environment Operations Act 1997* (the POEO Act). The applicant has concluded that an EPL is not required under Clause 6 of Schedule 1 of the POEO Act (cement or lime works) due to the proposal not triggering the relevant thresholds. Following the EPA's review of the EIS, it appears that the proposal may exceed the relevant threshold under Clause 8 of Schedule 1 of the POEO Act (chemical production) and the development may therefore be subject to an EPL for this scheduled activity or another in Schedule 1. This matter is discussed in further detail under point 1(a) of this letter.

The EPA provides the following comments for consideration, noting that any proposed activity that may trigger an EPL would require additional information in respect of that activity to support an application for an EPL, including, but not limited to, relevant planning consent for that particular activity prior to an EPL being granted.

## 1. Matters to be addressed prior to determination

### a. Environment Protection Licence

The proposed development may require an EPL due to exceeding the relevant threshold under Schedule 1 of the POEO Act, specifically Clause 8, which states the following:

*Chemical Production –*

*Activity: the commercial production of [adhesives or sealants].*

*Criteria: capacity to produce more than 5,000 tonnes [of adhesives or sealants] per year.*

The applicant has indicated a production capacity of 25,000 KL per annum of liquid products (where 'liquid products' is taken to mean adhesives or sealants). It is not clear from the information provided whether the entire production capacity for liquid products will comprise of adhesives or sealants, or other liquid products.

The EPA recommends that:

- the applicant review Schedule 1 of the POEO Act to determine whether an EPL is required for the proposed activity, and to apply to the EPA for an EPL if required.

## **b. Pollution Incident Response Management Plan**

The EPA highlights the requirement for the holder of an EPL to prepare, test and implement a Pollution Incident Response Management Plan (PIRMP) under Section 153A of the POEO Act. If an EPL is not required, the applicant still needs to ensure an adequate risk assessment is conducted which addresses each foreseeable environmental pollution risk, the likelihood of a pollution incident occurring and the prevention measures that will be put in place to mitigate that risk to the environment.

For example, the applicant could consider conducting a risk assessment for the hoisting of 1,000 kg bags of raw materials into silo's, and what actions would be taken to mitigate dust emissions should the bag rupture, or how substances will be prevented from leaving the facility should they enter the on-site stormwater network.

The EPA recommends that the applicant implement a PIRMP, or equivalent, before commencing operations. For more information on what is typically expected in a PIRMP, please review the EPA Guidelines on Pollution Incident Response Management Plans, which can be accessed via the following link:

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/licensing/pirmp/20p2147-guideline-pollution-incident-response-management-plans.pdf?la=en&hash=67C2CB615210B036C85996A3659E46DB8D83734B>

## **2. Matters to be addressed with conditions**

### **a. Air Quality**

The Air Quality Impact Assessment (AQIA) included under Appendix 7 of the EIS provides a reasonable appraisal of air emissions likely to be generated during the construction phase (i.e. demolition of existing structures, bulk earthworks, and construction activities). Whilst the AQIA has addressed some of the recommended SEARS, there are some deficiencies in the assessment, including the following:

- Odour emissions likely to be generated during the mixing of chemicals/solvents have not adequately been addressed. Gaseous pollutants and odour from liquid manufacturing have been identified as potential emissions affecting air quality, however this has not been explored further.
- Background concentrations of Total Suspended Particulates (TSP) has been estimated due to the lack of available representative data from the nearest weather stations. The report concludes that there are no additional impacts at the nearest sensitive receptors off-site, located two kilometres from the subject site but does not consider the impact of TSP on neighbouring businesses within the industrial precinct.
- The cumulative impacts on sensitive receivers from operations occurring across the broader industrial precinct cannot be adequately assessed due to the potential industrial operations being largely unknown.
- The AQIA conservatively estimates the particulate emissions (the primary source of emissions for this proposal) from the powder and liquid manufacturing operations, however it is not clear whether parts of the loading and filling operations are conducted entirely within the warehouse (e.g. the transferring of 1000 kg bags of powdered raw materials into small silos using a hoist) or whether any raw materials are stored outside the warehouse.

Whilst some representative data could have been sourced from similar facilities owned and operated by Ardex, the EPA does not consider that the above reporting omissions are significant enough to preclude the development from proceeding, provided that the

appropriate operational controls are implemented and maintained in accordance with the AQIA.

The EPA recommends the following conditions:

- The applicant must take all reasonable steps to minimise dust generation during construction activities.
- The applicant must not cause or permit the emission of any offensive odour from the premises.
- The applicant must implement the reasonable and feasible operational control measures described under points 2.2.3 of the AQIA.
- The applicant must maintain and operate environmentally critical infrastructure in a proper and efficient manner, including all dust collectors and filters, in accordance with point 7.1 of the AQIA.
- The applicant must not undertake any loading or filling activities unless environmentally critical infrastructure, such as dust collectors and filters, are functioning appropriately in accordance with manufacturer's specifications and performance guarantees.
- The applicant must undertake post-commissioning air quality monitoring targeting TSP, PM<sub>10</sub> and PM<sub>2.5</sub> within 12-months of commencing operations.

#### **b. Noise**

The Noise and Vibration Impact Assessment (NVIA) included under Appendix 22 of the EIS adequately addresses the relevant SEARs for the project. The EPA has reviewed the NVIA and notes that the noise assessment criteria for existing operational and construction noise has been derived from noise reports from other recently approved State Significant Development's within the industrial estate and by estimating the potential noise impact from operations using the various noise sources from the other Ardex facilities as a baseline.

While several sources of noise impact during the construction and the operational phase have been identified, the EPA acknowledges that noise management level exceedances, whether they originate from individual or cumulative sources, can be reasonably and feasibly mitigated.

The EPA generally agrees that a noise compliance assessment should be conducted once operations commence to verify that noise emissions are consistent with the NVIA and that the mitigation measures are effective.

The EPA recommends the following conditions:

- The applicant must comply with the hours of operations specified under point 1.3.4 of the NVIA and ensure that only the activities described in Table 5-3 of the NVIA occur within the prescribed time-frames.
- The applicant must ensure that operational noise does not exceed the project noise trigger levels at each receiver location provided in Table 3-14 of the NVIA.
- The applicant must implement the noise mitigation and management measures under point 4.5.3.2 of the NVIA during construction activities.
- The applicant must develop an Operational Noise Management Plan incorporating the noise mitigation and management measures under points 5.3.2 and 5.5.4 of the NVIA during operation.
- The applicant must undertake post-commissioning noise compliance monitoring within 12-months of commencing operations.

### c. Stormwater Management

The EPA has reviewed the stormwater management procedures documented within the Civil Engineering Report (Appendix 12 of the EIS).

The EPA notes that during construction a Sediment and Erosion Control Plan will be followed to protect the receiving drainage systems and water from sediment laden runoff. The site-specific strategy has been incorporated within the wider strategy for the Yards Industrial Estate. Identified measures will include sediment basins, diversion drains, batter control and site construction entries.

The EPA understands that an estate-level stormwater treatment system will be incorporated and will consist of a primary treatment unit, or Gross Pollutant Trap (GPT), followed by tertiary treatment using bio-retention filtration to mitigate stormwater pollutants generated broadly across the industrial precinct. However, there are no specific measures to manage water quality or quantity.

Whilst it is expected that only rain water will enter the site stormwater catchment, the EPA advises that the facility should be designed so that any spills of liquid or powdered chemicals are contained by adequate bunding and not allowed to enter the stormwater system. Consideration should also be given to installing additional stormwater isolation measures to stop contaminants leaving the site in the event of a pollution incident, subsequently compromising the down-stream primary and tertiary treatment systems of the precinct.

The EPA recommends the following conditions:

- The applicant must comply with section 120 of the *Protection of the Environment Operations Act 1997*.
- The applicant must store all chemicals, fuels and oils used on the premises in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards.

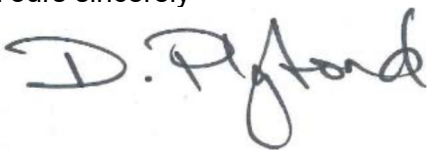
### d. Contaminated Land

The EPA has reviewed the Supplementary Site Suitability Assessment letter under Appendix 17 of the EIS, prepared in accordance with *State Environmental Planning Policy No.55 – Remediation of Land* (SEPP 55). The supporting contamination investigation reports referred to on page 2 of the letter have not been reviewed as they were not included in the EIS submission. The letter indicates that the site is suitable for the proposed commercial/industrial development based on the contamination investigation reports.

The EPA recommends that as a condition of consent that DPIE require the applicant to formally notify the EPA in accordance with the Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997* (CLM Act), if and where any contamination is identified during the development that is considered significant enough to warrant regulation under the CLM Act.

If you have any questions about this request, please contact Amanda McDonald on 9995 5157 or via email at [Amanda.mcdonald@epa.nsw.gov.au](mailto:Amanda.mcdonald@epa.nsw.gov.au).

Yours sincerely



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