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3 March 2025

Catriona Shirley
Planning and Assessment Division
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

EPA Advice on Environmental Impact Statement – Gow Street Manufacturing and Warehouse Facility - SSD-71052213

Dear Catriona

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to review the Environmental Impact Statement (EIS) for the proposed Gow Street Manufacturing Warehouse facility (Application SSD-71052213) at 15 and 20 Gow Street, Padstow, Canterbury-Bankstown.

The EPA has reviewed the following documents:

- *Environmental Impact Statement: Proposed Refurbishment of The Existing Chemical Manufacturing And Associated Warehouse Or Distribution Centre (version 4) – Willowtree Planning – 15 November 2024 (EIS)*
- *Selleys, Padstow – SSD 71052213 Air Quality Impact Assessment (Report 24.1093.FR1V3) – Northstar Air Quality – 23 October 2024 (AQIA)*
- *Project Bowerbird Noise and Vibration Impact Assessment (version 2) – GHD – 24 October 2024 (NVIA)*
- *Operational Waste Management Plan Manufacturing / Warehouse Facility (SSD-71052213) (version 1) – Land & Groundwater Consulting Pty Ltd – 25 October 2024*
- *Demolition and Construction Waste Management Plan Manufacturing / Warehouse Facility (SSD-71052213) (version 1) – Land & Groundwater Consulting Pty Ltd – 25 October 2024*
- *Preliminary and Detailed Site Investigation, SSD-71052213: Gow Street Manufacturing and Warehouse Facility 15 and 20 Gow Street, Padstow, NSW – Senversa – 28 October 2024. (DSI)*
- *Remediation Action Plan, SSD-71052213: Gow Street Manufacturing and Warehouse Facility 15 and 20 Gow Street, Padstow, NSW – Senversa – 28 October 2024 (RAP)*
- *Civil Engineering Report Incorporating Water Cycle Management Strategy (version C) – Costin Roe Consulting Pty Ltd – 30 October 2024*

The EPA understands the proposal is for:

- Enabling modern production facilities for sealants, fillers and adhesives;

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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- Demolition of one existing warehouse and maintenance building, to be replaced by a new building housing a production area;
- Refurbishment of another existing warehouse for manufacturing and warehouse use;
- Remediation of development area; and
- Continued operation of solvents production and warehouse facility in east of premises.

The premises is currently subject to environment protection licence (EPL) number 7106 under the *Protection of the Environment Operations Act 1997* (POEO Act) for scheduled activities general chemicals storage, chemical storage waste generation, chemical production waste generation, and paints/polishes/adhesives production. Based on the information provided, the EPA considers the premises will continue to require an EPL.

The EPA has reviewed the EIS and notes that it does not provide the information required to allow us to complete our assessment. The EPA's comments and recommendations are provided in **Attachment A**.

If you have any questions about this request, please contact Chris Marsh via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely



Christie Jackson
Unit Head – Environment Protection Planning
NSW Environment Protection Authority

Attachment A EPA Comments on Gow Street Manufacturing and Warehouse Facility - SSD-71052213

Matters to be addressed prior to determination

1. Environment Protection Licence

There is limited discussion in the EIS regarding the environment protection licence (EPL). Appendix C 'Statutory Compliance Table' of the EIS states: *"The proposed development will exceed the chemical production and storage capacity and, as such, an EPL is required for the proposed development."* However, the EIS does not mention the existing licence covering the premises (EPL 7106), and there is no discussion as to whether or what variations would be required.

The use as described – chemical production and storage – appears consistent with current licencing, however it appears the development may result in an intensification of this activity indicated by:

- the operating times proposed to change from 24/5 to 24/7;
- anticipation that a new Trade Waste Agreement would be necessary based on increased volumes of wastewater; and
- the general discussion that this development would accommodate growing demands for Selleys products.

Therefore, it is not clear if the current limits in condition A1.1 of EPL 7106 would need to be adjusted.

The EPA recommends the Applicant clarifies how the development would affect the current licencing at the premises.

The Applicant should also be aware that as a requirement of an EPL, the EPA will require the Proponent to prepare, test and implement a Pollution Incident Response Management Plan and/or plans in accordance with Section 153A of the POEO Act.

2. Air quality

a. Emission Points

The AQIA has nominated emission points for the premises. However, there is not sufficient detail to enable the EPA to complete its assessment.

The EPA recommends that the Applicant provides:

- **a map of all emission points including labelling points that have and have not been assessed.**
- **The emission inventory nominates the emission source type (such as point, fugitive, mobile, volume) and a description such as exhaust point or roller door.**

b. Management measures

The Secretary's Environmental Assessment Requirements (SEARs) requested details of proposed mitigation, management and mitigation measures. Chapter 8.1.2 does not appear to provide sufficient detail on all the management and mitigation measures existing and proposed at the premises. This includes measures such as the location and details of baghouses, vapour recovery systems, material handling and any other measure.

The EPA recommends the Applicant provides a comprehensive list of all existing and proposed air quality and odour management measures and controls including but not limited to dust collection and vapour recovery systems, and benchmark it against best practice.

c. Odorous chemicals

The EPA notes that Methyl isobutyl ketone is listed in Table 16 of the Approved Methods as an odorous air pollutant, however it was not identified as odorous in the AQIA.

The EPA recommends that the Applicant identifies and assess all odorous emissions.

3. Noise and vibration

a. Noise monitoring

The background noise monitoring in NCA1 and NCA2 appears to be significantly affected by adverse weather during the day period, resulting in the exclusion of a large number of samples. *Noise Policy for Industry* (NPfl) (EPA, 2017) Fact Sheets A and B provide the requirements for data collection for establishing the rating background level. However it's not clear if the presented monitoring data meets the requirements of the NPfl.

The EPA recommends that the Applicant clarifies if sufficient data was collected to be representative of the rating background level and meet the requirements of Fact Sheets A and B of the Noise Policy for Industry.

Chapter 3.2 of the NVIA states that attended monitoring was carried out, however the notes and results are not provided in the document. The attended monitoring and noise environment characterisation may be required to demonstrate the factors influencing the small variation between background levels during the day, evening and night.

The EPA recommends that the Applicant supply the results and notes from the attended noise monitoring.

b. Amenity category

The NVIA has assigned residential receivers the urban amenity category for the purpose of establishing the Project Noise Trigger Levels. However, the land use zoning of the residential areas is R3 which according to NPfl Table 2.3 is a suburban amenity area.

Any changes to the amenity category outside of the land use zoning should be justified, which could include evidence as described in *Determining The Noise Policy For Industry Noise Amenity Category For Residential Receivers* (Acoustics Australia Vol. 50, No. 3, September 2022). This could include attended noise monitoring which demonstrates the noise sources which contribute to the noise environment. Currently the NVIA does not provide sufficient justification to assign the urban amenity category to residential receivers.

The EPA recommends that the Applicant provides a sufficient justification for the amenity category assigned to residential receivers.

NVIA Chapter 5.1.7 assess cumulative noise using the suburban amenity category, which is inconsistent with other sections of the report that use the urban amenity category for all receivers to set the Project Noise Trigger Levels.

The EPA recommends that the Applicant clarifies and justifies the appropriate amenity category for operational and cumulative noise.

c. Noise modelling

The modelling parameters in Table 5.8 assume all receivers are at 1.5 metres above ground level, however a review of the receiver area indicates double storey houses are present.

The EPA recommends the Applicant clarify if double storey receivers accounted for and amends the assessment as required.

The noise contour map presented for day and evening operations show the location of point sources and buildings, however they do not show moving point sources, such as trucks, nor forklift area sources. The contour lines also appear to show noise levels at least 5 dB below the point to point calculations for the worst affected receivers.

The EPA recommends the Applicant review and clarify that all relevant noise sources were included in the model, and amend the assessment accordingly including providing contour maps for all modelled scenarios.

Table 5.7 of the NIVA presents the modelled noise sources, however there is no information on the location (including which building they are assigned to) or height of the modelled noise sources as required by NPfl Section 3.3.

The EPA recommends that information required by NPfl Section 3.3 for noise modelling parameters is provided.

The modelling was based in part on the existing operations. However, it's not clear if there was any comparison of the predicted noise level with actual noise emissions to validate the noise model.

The EPA recommends the Applicant clarify if any model validation was carried out by comparing measured levels with modelled levels of the existing operation.

d. Assessment of annoying characteristics

Chapter 5.3.3. of the NVIA states that an assessment of annoying characteristics has been conducted. However, no details, calculations or other information is provided in the report.

The EPA recommends the Applicant demonstrates the assessment has been conducted according to NPfl Fact Sheet C requirements.

e. Construction noise assessment

Table 4.9 of the NIVA indicated noise levels between LAeq,15min 95 and 99 dB are predicted at adjacent industrial/commercial receivers. These are very high noise levels and represent potentially harmful levels of noise. There does not appear to be any specific measures in the construction assessment to address this level of noise.

The EPA recommends that the Applicant provides specific construction noise mitigation and management measures for the very high noise levels predicted at adjacent land uses.

4. Greenhouse Gas Emissions

The EPA's *Guide for Large Emitters* was released on May 2024 and applies to all planning applications that require an EPL and that will emit over 25,000 tonnes CO₂-e of Scope 1 and Scope 2 emissions in any operational year.

The EPA recommends the Applicant confirms if the EPA's Guide for Large Emitters applies to this premises.

Matters to be addressed with conditions

5. Contaminated Land

The EPA considers that the combined Preliminary and Detailed Site Investigation Report (PSI/DSI) generally meets the requirements of the statutory guidelines made or approved under s105 of the Contaminated Land Management Act (CLM Act). The report aligns with the requirements of a PSI and a DSI outlined in the *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* (EPA, 2020). The EPA notes the DSI report identified asbestos contamination in fill material and potential localised aesthetic and hydrocarbon impacts at the site.

The EPA considers the Remediation Action Plan (RAP) is generally adequate and meets the requirements of the SEARs and EPA made or approved guidelines. The EPA considers that an NSW EPA accredited site auditor be required as part of the SSD conditions of approval, if approved to provide a Section A2 site audit statement confirming the site is suitable for the proposed use subject to implementation of an EMP. The EPA considers the requirement for an auditor is appropriate given:

- uncertainties of potential remaining primary sources of contamination on-site (including potential USTs);
- data gaps where contamination has not been investigated during the DSI due to feasible and accessibility issues;
- that remediation is required to be carried out with consideration of asbestos management and potential acid sulphate soils management; and
- that some contamination is proposed to remain on-site and an Environmental Management Plan is required to manage the residual contamination long-term.

The EPA recommends that if the Department of Planning, Housing and Infrastructure (DPHI) approve the Application, a Site Auditor is engaged subject to the following:

- a. The applicant must engage an NSW EPA-accredited Site Auditor throughout the duration of works to ensure all works required in relation to contamination at the site are appropriately managed.
- b. Prior to commencing with the remediation, the applicant must submit Interim Audit Advice or a Section B Site Audit Statement from by the NSW EPA accredited Site Auditor that certifies that the site can be made suitable for the proposed use subject to the implementation of the Remedial Action Plan.
- c. The applicant must adhere to the management measures in the Remedial Action Plan which were approved by the NSW EPA accredited Site Auditor.
- d. Any variations to the approved Remedial Action Plan must be approved in writing by the NSW EPA accredited Site Auditor.
- e. The applicant must obtain a Section A1 Site Audit Statement - or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan - from an NSW EPA accredited Site Auditor and submit it to the consent authority prior to occupation of the site. The Site Audit Statement must certify the site is suitable for the proposed use.
- f. A copy of any Interim Audit Advice and the Site Audit Statement/s must be provided to the consent authority within 14 days of issue by the Site Auditor.
- g. All works required in relation to contamination and subsequent reports must be done in accordance with the guidelines made and approved under section 105 of the *Contaminated Land Management Act 1997*, and all reports must be written by, or reviewed and approved by, a consultant certified by either the:
 - h. Environment Institute of Australia and New Zealand - Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)); or the
 - i. Soil Science Australia - Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.
- j. During occupation and/or use of the land, the Applicant or site owner (if different) must comply with the ongoing obligations of any EMP approved by the NSW EPA accredited site auditor.

6. Water

The EPA recommends the following conditions are considered by DPHI if the Application is approved:

- a. Unless otherwise authorised by an EPL, the Applicant must ensure that none of the development stages will cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act 1997.
- b. Except as expressly provided for by the EPL, the Proponent must not discharge any wastewater from the production activities.

- c. The applicant must ensure that materials and waste to be either stored inside the buildings, under an awning or in weatherproof containers.
- d. The Applicant must:
 - i. ensure that all storage areas are suitably bunded according to the relevant Australian Standard for the material being stored.
 - ii. ensure that all liquid waste captured on-site is classified, transported, and disposed of at a facility that can lawfully accept the waste.
 - iii. minimise any spills of hazardous materials or hydrocarbons and clean up any spills as soon as possible after they occur
- e. Prior to the commencement of the construction activities, the Applicant must develop and implement a Water Management Plan to manage surface water and groundwater.
- f. An Erosion and Sediment Control Plan (ESCP) must be prepared for all aspects of the construction phase of the development and must be implemented. Implementation of the scheme must avoid or minimise the impacts of stormwater runoff from and within the premises during construction. The Stormwater Management Plan should be consistent with the practices and principles contained in *Managing Urban Stormwater – Soils and Construction, Volumes 1 and 2* (Landcom, 2004; DECC, 2008).
- g. The proponent must prepare a Soil and Water Management Plan to address all proposed activities and potential impacts associated with the project. The Plan must set out the procedures for investigating, and if necessary, mitigating surface water, erosion and /or sedimentation impacts of the project