



ENVIRONMENT PROTECTION AUTHORITY

Your reference: SSD-5746
Our reference: DOC13/24040 & FIL07/700-05
Contact: Rod Fox 9995 6839

Mr Pascal Van de Walle
Senior Planning Officer - Industry
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Van de Walle

EPA advice – Adequacy Review of the EIS (SSD-5746) for the Proposed Expansion of Existing Mainfreight Facility including Storage of Dangerous Goods (Chemical Storage Facility) at 30 – 50 Yarrowa Street Prestons

I refer to your email dated 18 April 2013 inviting comments from NSW Environment Protection Authority (EPA) on the proposal by Mainfreight to expand their existing operations including the Storage of Dangerous Goods and other chemicals (Chemical Storage Facility) at their facility at 30 – 50 Yarrowa Street Prestons. In your email you also requested advice on recommended conditions of consent.

The EPA has reviewed the document titled "*Environmental Impact Statement (EIS) State Significant Development SSD-5746 Proposed Expansion of the Existing Mainfreight Facility including the Storage of Dangerous Goods (Chemical Storage Facility) at 30-50 Yarrowa St, Prestons (lots 101 & 102 DP 1117691 and lot 2 DP 28729)*" dated April 2013.

The EPA has also reviewed additional information provided by "McKenzie group" that relates to stormwater management, wastewater management, and provisions for the containment of leaks and spills from stored chemicals.

Based on the review of the information the EPA has determined that it will be able to issue an Environment Protection Licence (EPL) for the scheduled activities that Mainfreight propose to carry out on the premises. In addition as requested the EPA provides at attachment A and B Conditions that are indicative of the conditions that have been attached to EPL's issued for similar activities. The proponent will also need to make a separate application to the EPA to obtain an EPL.

If you wish to discuss any of the issues raised in this letter, please contact Rod Fox on 9995 6839.

Yours sincerely

 29/5/2013.

GREG SHEEHY
Manager Sydney Industry
Environment Protection Authority

ATTACHMENT A

Statement of Commitments

EPA has no objection to the proposal by Mainfreight to extend their existing operations to include the Storage of Dangerous Goods and other chemicals (Chemical Storage Facility) at their facility at 30 – 50 Yarrowa Street Prestons provided that the Proponent commits to the following requirements to be imposed under statement of Commitments:

1. The isolation valves located in the stormwater system must be clearly labelled.
2. A maintenance/service plan must be put in place to ensure that the stormwater isolation valves are maintained in a serviceable condition.
3. All external stormwater drains must be clearly identified as stormwater drains.
4. Spill kits must be located and maintained adjacent to external trafficable areas of the premises.
5. The breezeway must be fully isolated from the stormwater system at all times.

Standard Licence Condition

If consent is granted the proponent will need to apply to Environment Protection Authority (EPA) for an Environment Protection Licence (EPL) under the Protection of Environment Operations Act 1997, and the following standard licence conditions would be attached to the EPL:

A1. Information supplied to the EPA

A1.1 The works and activities must be carried out in accordance with the proposal contained in:

- State Significant Development (SSD) Application No. 5746 ;
- The document titled "Environmental Impact Statement (EIS) State Significant Development SSD-5746 Proposed Expansion of the Existing Mainfreight Facility including the Storage of Dangerous Goods (Chemical Storage Facility) at 30-50 Yarrowa St, Prestons (lots 101 & 102 DP 1117691 and lot 2 DP 28729)" dated April 2013; and
- The following additional information supplied to the EPA via emails from the proponent's consultant the McKenzie Group dated 21 May 2013 relation to the development,
 - The revised drawing titled "*Concept Stormwater Master Drawing No. Co8753.08 – DA40 issue B date 8 May 2013.*" This drawing depicts the bunding of the breezeway and the location of the stormwater isolation valves and stormwater drainage and flows.
 - *The revised drawing titled "Concept Stormwater Plan Sheet 2 Drawing No. Co8753.08 – DA42 issue E dated 8 May 2013.* This drawing depicts the stormwater drainage etc.
 - *The document titled Civil Engineering Report For State Significant Development Mainfreight Expansion Proposed Development at Yarrowa Road Prestons NSW Revision C prepared by Goodman c/- McKenzie Group.*
 - Confirmation of the capacity of the spill containment structures serving the facility.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Condition L5.1 does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>	As specified in each particular resource recovery exemption.	NA
NA		Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time		NA

L6. Noise limits

L6.1 Noise generated at the premises must not exceed the noise limits presented in Table 6.1 below. The location(s) referred to in the table below are indicated in the relevant report Figure 2 - Site Map showing proposed warehouse extension and relevant locations in the Report - Development Application - Acoustics Report - Mainfreight - Lots 101 & 102 and Lot 2 30 - 50 Yarrowa Street, Prestons - Noise Impact Assessment (Report No: NA02013109) dated 16 April 2013.

Table 6.1 Noise Limits – All noise limits are in dB(A)

Location	LAeq,15 minute (Day, Evening, Night)	LA1,1min Night time (Sleep Disturbance)
22 Michalego Circuit, Prestons	37 dB(A)	45 dB(A)
23 Coffs Harbour Avenue, Hoxton Park	39 dB(A)	45 dB(A)

L6.2 For the purpose of condition **L6.1**;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

L6.3 Construction activity is permitted between the hours of 7:00am to 6:00pm Monday to Friday and Saturday 8:00am to 1:00pm, with no construction on Sundays and Public Holidays. Respite periods shall be implemented in response to any noise complaint(s) associated with any earthworks and piling construction works associated with the construction of the site.

L6.4 The noise limits set out in condition **L6.1** apply under all meteorological conditions except for any one of the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

L6.5 For the purposes of condition **L6.5**:

- a) The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station established at this site for the purposes of this Environment Protection Licence or nearest Bureau of Meteorology station providing relevant data (to be negotiated with proponent by regional office).
- b) Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L6.6 For the purposes of determining the noise generated at the premises a Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used.

L6.7 To determine compliance:

- a) with the $L_{eq(15 \text{ minute})}$ noise limits in condition **L6.1**, the noise monitoring equipment must be located:
 - within 30 metres of a dwelling façade where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;
 - approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises;
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the $L_{A1,1min}$ noise limits in condition **L6.1**, the noise monitoring equipment must be located within 1 metre of a dwelling façade.
- c) the noise monitoring equipment must be located in a position that is:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions **L6.7(a)** or **L6.7(b)**.

L6.8 A breach of this Environment Protection Licence will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition **L6.1** is detected:

- in an area at a location other than an area prescribed by condition **L6.6**; and/or
- at a point other than the most affected point at a location.

L6.9 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Operating conditions

01. Odour

Section 129 of The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

02. Dust

02.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:
in a legible form, or in a form that can readily be reduced to a legible form;
kept for at least 4 years after the monitoring or event to which they relate took place; and
produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
the time(s) at which the sample was collected;
the point at which the sample was taken; and
the name of the person who collected the sample.

M3. Requirement to monitor

M3.1 The licensee must conduct attended and unattended noise monitoring during normal operations of the plant once every 12 months (and shortly after commencement of operations as well). Normal operations must include all activities conducted on site. The noise monitoring must be conducted for at least 24 hours to determine the noise levels as $L_{Aeq,15 \text{ minutes}}$ for the three different periods; day, evening and night as specified in the EPA's Industrial Noise Policy.

M3.2 The results of the noise monitoring must be reported to the EPA within 28 days from the monitoring completion date and must be presented in a legible form. Any exceedances of the limits specified in condition L6.1 must be included in the report. For these exceedances, if any, the licensee must include proposed noise mitigation measures to be implemented on site to prevent recurrence of such exceedances. These non-compliances must still be reported in the Annual Return with any other non-compliance.

M3.3 Following the first 12 months of noise monitoring, the EPA will review the results to determine whether further monitoring is required. Relevant conditions will be attached to the company's licence.

R1 Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Attachment B

Mandatory Conditions for all EPA's Environment Protection Licences

Administration Conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

- The storage and handling of chemicals and dangerous goods.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a. must be maintained in a proper and efficient condition; and
 - b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- The record must include details of the following:
 - a. the date and time of the complaint;
 - b. the method by which the complaint was made;
 - c. any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d. the nature of the complaint;
 - e. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f. if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint. This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a. a Statement of Compliance; and
 - b. a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
 - a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:
 - a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
 - a. the cause, time and duration of the event;
 - b. the type, volume and concentration of every pollutant discharged as a result of the event;
 - c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - f. (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

