



Your reference SSD-6026
Our reference: DOC13/77662
Our contact: Rebecca Whiteside, ph: 9995 6846

Mr Chris Ritchie
Manager – Industry
Development Assessment Systems & Approvals
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr David Mooney

Dear Mr Ritchie

I refer to your letter received by the Environment Protection Authority (EPA) on 2 October 2013 seeking comments on the environmental assessment and recommended conditions of consent for the above proposal. I also refer to the document appended to your letter titled: *Environmental Impact Statement State Significant Development Devondale Milk Processing Facility Erskine Park SSD 6026* dated September 2013 prepared by Blomquist + Wark, Davis Advisory, KMH Environmental, Pitt&Sherry, S2D and Urban Concepts.

The EPA has reviewed the above mentioned Environmental Impact Statement (EIS) and details of EPA's submission, including comments on the environmental assessment and recommended consent conditions are included as attachments to this letter (**Attachment 1 and Attachment 2** respectively). The EPA recommends that NSW Department of Planning and Infrastructure (DP&I) consider incorporating the proposed conditions into the conditions of consent should DP&I intend to grant approval.

The EPA would appreciate the opportunity to review the draft Director-General's conditions of consent for the proposal prior to their finalisation.

The proposal is listed as a scheduled activity (*agricultural processing*) under Schedule 1 (clause 2) of the *Protection of the Environment Operations Act 1997* and will therefore require an environment protection licence (EPL) from the EPA prior to commencing agricultural processing activities at the premises. The EPA has determined that it is able to issue an EPL for the proposal, subject to a number of conditions (refer to Attachment 2). To obtain an EPL the proponent will need to make a separate application to the EPA. The EPA also encourages the proponent to discuss any issues with EPA before submitting a licence application and this also ensures efficient assessment and issuing of the licence.

If you have any queries regarding this matter please contact Rebecca Whiteside on 9995 6846.

Yours sincerely



12/11/13

GREG SHEEHY
Manager Sydney Industry
Environment Protection Authority

Attachment 1: EPA comments on the EIS for Milk Processing Facility, Erskine Park SSD-6026

The EPA has reviewed the above EIS and provides comments on the following aspects of the proposal:

Environment Protection Licence

The EPA notes that the proponent has correctly identified that an environment protection licence (EPL) is required for undertaking dairy processing under Schedule 1, Clause 2 (*Agricultural processing*) of the *Protection of the Environment Operations Act 1997* (POEO Act).

Based on the information provided in the EIS, it appears that the proposal is unlikely to trigger any other activities specified under Schedule 1 of the POEO Act (e.g. the quantities of chemicals stored on the site appear to be below the Schedule 1 criteria for *chemical storage*). However the EPA recommends that, prior to submitting an application for an EPL to the EPA, the proponent ensures that there are no additional scheduled activities that should be included on the EPL.

The EPA notes that the proponent aims to commence operations of the facility before 14 July 2014. It is recommended that the proponent factor into its timing that an EPL will generally be granted or refused within 60 days of lodgement with the EPA, providing all the supporting information and documents that the EPA needs to assess a licence application are supplied.

Air Quality

The EPA notes that the EIS states that the proponent will ensure that the "boiler design and operations management will comply with all the relevant emissions limits and requirements under the POEO Act and POEO (Clean Air) Regulation". The EPA supports this measure and intends to include a special condition on the EPL relating to boiler stack verification testing (once operational) and reporting of the associated results.

Odour

The EIS identifies the wastewater system as a potential source of odour at the facility. The EPA considers that the proposal may have other potential odour generating activities and/or sources if best management practice and best available technology is not applied. These include the storage of unutilised milk solids for disposal / reuse; removal and storage of waste product from dairy processing (including DAF sludge); and transfer of waste products from the facility to trucks for disposal off-site.

The EPA recommends that the proponent prepare and implement an Operational Environmental Management Plan prior to operations commencing at the premises, which includes (but is not limited to):

- the identification of potential odour sources/odorous activities being undertaken at the premises;
- details regarding the odour control, management and mitigation measures to be employed at the premises to address potential odour sources/ activities;
- details of any odour monitoring undertaken at the premises; and
- details of the premises odour complaints management process.

The EPA also recommends that the odour mitigation measures identified in the EIS, including those in the Air Quality Assessment report and the Statement of Commitments, are implemented.

Dust

Dust emissions from the construction phase of this project have the potential to cause an environmental impact and it is important that dust mitigation measures outlined in the EIS are implemented. The EPA

notes that the proposed mitigation measures specified in the Air Quality Assessment (Section 4.4 & 9.2) to address dust from construction activities are more comprehensive than those specified in the EIS' Statement of Commitments.

The EPA recommends that the proposed dust mitigation measures specified in the Air Quality Assessment are included in the Construction Environmental Management Plan proposed as part of the Statement of Commitment (No. AQ1).

Noise and vibration

The EPA notes the Statement of Commitment (No. N1) to manage construction related noise in accordance with a Construction Environmental Management Plan. Whilst the Proposal's noise assessment adequately demonstrates that noise impacts are likely to be insignificant at identified sensitive receptors and within noise assessment criteria, the EPA recommends that the proponent prepare and implement an Operational Environmental Management Plan that includes, amongst other issues, the management of operational noise should such an issue arise.

Stormwater management

The document titled: *Stormwater Management Strategy: Inverloch Site in Erskine Park, Sydney* prepared by Pitt&Sherry dated July 2013 for the proposal identifies the tank farm as one area where there is a high risk of spillage.

The EIS indicates that the tank farm will be bunded (but not covered) and that under normal conditions will drain to the stormwater system which has a sensor in place should an incident occur which will shut the outfall to the stormwater system and divert dirty stormwater / spillage to the trade waste system.

The EPA is concerned that the proposed controls within the tank farm may result in the pollution of waters as prescribed under section 120 of the POEO Act. Once licensed, the EPA will be interested in gaining a better understanding of both the facility's tank farm and the operation of the stormwater system.

The EPA notes that the Conceptual Soil and Water Management Plan (SWMP) has been prepared and implemented for early works associated with the facility undertaken in advance of major building works, and that progressive SWMPs will be prepared once detailed design plans, details of construction methodology and staging are available. Whilst the development of progressive SWMPs is not explicitly stated within the Statement of Commitment (No. SW1), the EPA assumes that the wording "updated as necessary" reflects this approach.

Waste Management

The EPA notes that the Waste Management Plan does not quantify some of the wastes or specify how regularly some of the wastes will be removed for disposal or recycling, for example, waste milk / unutilised milk solids and waste product from dairy processing (including DAF sludge). The EPA recommends that when such details are available that the Waste Management Plan be updated and implemented accordingly.

Attachment 2: EPA recommended conditions of consent for Milk Processing Facility, Erskine Park (SSD-6026)

Environment Protection Licence

1. An application to the EPA for an Environment Protection Licence under the *Protection of the Environment Operations Act 1997* for the facility must be submitted prior to the commencement of any scheduled activity being undertaken at the site. Additional information on licensing is available in the EPA *Guide to Licensing* documents (www.epa.nsw.gov.au/licensing/licenceguide.htm).

Dust

2. All operations and activities occurring at the premises must be carried out in a manner that will minimise or prevent the emission of dust from the premises.
3. The premises must be maintained in a condition which minimises or prevents the emissions of dust from the premises.

Odour

4. The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the *Protection of the Environment Operations Act 1997*, provides that the applicant must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Air quality

5. The proponent must undertake stack verification testing of the facility's boilers once operational to verify that the boiler emissions are in compliance with the POEO (Clean Air) Regulation 2010 and the relevant air quality criteria.
6. The proponent must provide a report containing the results and interpretations of the above stack verification testing to the EPA for its review.

Noise

7. All construction work/activities at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and Public Holidays. Work outside these hours is not permitted except as explicitly specified below or in other conditions and include:
 - a) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
 - b) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm;
 - c) other works expressly approved by the Director General; and
 - d) out of standard hours works identified in a Construction Noise Vibration Management Plan approved by the Director General.

Waste Management

8. The proponent must assess, classify and manage any waste generated at the premises in accordance with the Department of Environment, Climate Change and Water's *Waste Classification Guidelines Part 1: Classifying Waste, December 2009*.