

# Section 96(1a) Modification Application

**Milk Processing Facility  
111-113 Quarry Road, Erskine Park**

MARCH 2014

## **SECTION 96(1a) APPLICATION**

To

**Modify Development Consent SSD 6026  
For Temporary Natural Gas Supply**

Prepared by  
**Urban Concepts**  
For

**Murray Goulbourn Co-Operative Co. Limited**  
For submission to

**NSW Department of Planning and Infrastructure**



Devondale  
MURRAY GOULBURN CO-OPERATIVE CO. LIMITED

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# 1. Introduction

This Section 96(1a) application (S96 application) has been prepared to modify Consent SSD 6026 which approved the construction and operation of a milk processing facility at 111-113 Quarry Road, Erskine Park in the Penrith Local Government Area. A copy of the development consent is held in Attachment A. The S96 application has been prepared by Urban Concepts on behalf of Murray Goulburn Cooperative Co. Limited (MGC) for its Erskine Park milk processing facility which is currently under construction.

MGC is an Australian owned cooperative that is well known for its flagship brand Devondale. MGC represents more than a third of the nation's milk volumes and is 100% controlled by its 2,800 dairy farmer shareholders in Victoria, South Australia and New South Wales. The Erskine Park facility is MGC's first milk processing facility in New South Wales and is scheduled to commence production in July 2014.

This modification is being advanced to enable the installation of an interim fuel supply requiring the temporary installation of an 80,000 litre liquefied natural gas (LNG) tank proposed until such time as Jemena; the gas supply authority, can extend its network infrastructure to the Quarry Road site providing a direct piped natural gas supply.

An interim fuel supply is essential to enable the commissioning of filling and plant equipment in the pre-production phase of the Facility, being that period from April through to July 2014 and for the initial 6 month operation of the Facility between 1<sup>st</sup> July and 31<sup>st</sup> December 2014.

Discussions with Jemena, have confirmed that MGC will need to put in place an alternative and temporary fuel supply until such time as Jemena can provide a permanent piped connection to the site. Based on current capital works commitments, Jemena advise that they will provide MGC with a piped fuel supply during the last quarter of 2014. Based on this timing, MGC would be unable to commence commissioning or post July 2014, commercial milk production at the Erskine Park Facility without an interim fuel supply.

The S96 application seeks to modify Condition 2 of the consent which is reproduced below

## *Condition 2*

*The applicant shall carry out the development generally in accordance with the:*

- a. EIS;*
- b. Submissions report;*
- c. Management and mitigation measures ( see Appendix A);*
- d. Plans and elevations (see Appendix B); and*
- e. Conditions of consent.*

The modified plans are reproduced in Attachment B. LNG is a Class 2.1 dangerous good. A Hazard Analysis Report prepared by Benbow Environmental addresses Condition 27(c) of SSD Consent 6026 and includes an assessment of the LNG storage facility against the relevant provisions of State Environmental Planning Policy No. 33 and the Department of Planning and Infrastructure Hazardous Industry Planning Advisory Paper No. 6 Hazard Analysis. The Hazard Analysis Report is detailed in Attachment C.

There are no changes proposed to any other conditions of development consent SSD 6026 and all conditions continue to be relevant to the proposed works under this application.

## 1.1. Owners Consent

The subject site is 111-113 Quarry Road, Erskine Park and is legally described as Lot 1022 in DP 1175670. The property is owned by MGC. Owners Consent to the lodgement of the Section 96 Application has been granted on the Section 96 Modification Form that is submitted under separate cover.

## 1.2. Background to the Application and Development Approval Timeline

The milk processing facility will be MGC's first milk processing facility in NSW. In the first quarter of 2013, MGC entered into a partnership with Coles to supply daily pasteurised milk in Victoria and NSW for its private label brands and to relaunch Devondale branded milk and cheese through Coles supermarkets. The partnership will be in place for 10 years and has a commencement date of July 2014. The partnership will see MGC invest \$120 million developing two new milk processing facilities, one in Melbourne at its existing Laverton site and the proposed Erskine Park facility. Both facilities are currently under construction.

In order to meet the July 2014 commencement date it will be essential that plant and filling lines commence commissioning in April 2014. This requires the provision of an interim fuel supply to the site. On connection to the Jemena network, MGC will remove the LNG tank and compound from the site.

## 1.3. Description of Proposed Work

The S96 application proposes the following modifications to the approved plans and supporting documentation:

- The installation of a Liquefied Natural Gas (LNG) steel tank with a volume capacity of 80,000L mounted on a concrete slab platform in the south western corner of the site and setback 8.2 metres from the Quarry Road frontage. It is proposed that the tanks would be filled twice a week by road tanker.
- A revision to the Hazard Analysis prepared by Benbow Environmental to address the storage of 80,000L of LNG on the site in accordance with the provisions of State Environmental Planning Policy No.33 (SEPP 33).
- On connection to the Jemena network, the removal of the tank and the reinstatement of landscaping in accordance with the landscape plan prepared by Group GSA forming part of the part of the SSD approved plans.

The works that are proposed by the modification are illustrated on the amended development plans detailed in Attachment B comprising:

- DA 02 prepared by Blomquist + Wark Architects and comprising an amended site layout plan which details the location of the gas storage compound at the south western corner of the site.
- DA 10 prepared by Blomquist + Wark Architects and comprising an amended southern elevation plan to show the location and profile of the temporary gas tank together with RL levels.
- ML13007-S060 prepared by Pitt & Sherry providing the engineering details for the Gas Bullet platform.

## 2. Condition Proposed to be Modified

The proposed Section 96(1a) modification seeks to modify Condition No. 2 of SSD. Condition 2 is reproduced below.

### *Condition 2*

*The applicant shall carry out the development generally in accordance with the:*

- f. EIS;*
- g. Submissions report;*
- h. Management and mitigation measures ( see Appendix A);*
- i. Plans and elevations (see Appendix B); and*
- j. Conditions of consent.*

## 3. Substantially the Same Development

Section 96 (2) of the Act states that a Consent Authority may modify a development consent if:

*'(a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)'*

*and*

*'(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,*

The proposed S96 modification seeks to amend the approved plans to include the installation of a temporary Liquid Natural Gas (LNG) supply to be stored in an 80,000L steel tank, setback 8.2 metres from the Quarry Road frontage to the site. Temporary LNG storage is required as an interim measure until such time as Jemena can extend its network infrastructure to the site providing a dedicated piped supply of LNG.

LNG is a Class 2.1 dangerous good and as such a risk assessment evaluation is required to be undertaken in accordance with the provisions of SEPP 33. The Hazard Analysis Report that formed part of the SSD 6026 documentation has been reviewed to include a risk assessment evaluation of the proposed interim LNG storage on the site.

This risk assessment evaluation that has been undertaken by Benbow Environmental is detailed in full in the Hazard Analysis Report reproduced in Attachment C. This assessment has found that:

- The operation of the proposed development exceeds the SEPP 33 Screening Thresholds. Further assessments have been carried out on the proposed facility in accordance with the Multi-Level Risk Assessment and Hazardous Industry Planning Advisory Papers (HIPAPs) guidelines. **The results from this assessment determined that the site's proposed operations are not an offensive or hazardous industry.**

- The proposed subject site is located within the Erskine Park Business Area. Due to the nature of the operations and the hazard prevention and protection measures proposed for the subject site, it is expected that **there would be no increase in hazardous risks to the existing or future residents in the subject area or to the occupants of the industrial area.**
- **It is the conclusion of this assessment that the proposed site and its operations would meet all the safety requirements stipulated by the Department of Planning and Infrastructure.**
- **This facility would not be considered to be an offensive or hazardous development.** If significant changes to the types or quantities of chemicals stored on site were to occur, the reassessment of potential hazards may be required.

Accordingly, the proposed modification to provide for the temporary and interim storage of 80,000 L of LNG at the Erskine Park site will result in a development which is substantially the same as the development for which consent was originally granted under SSD Consent 6026.

## 4. Environmental Assessment

Section 96(3) of the Act states:

*"In determining an application for modification of a consent under this section, the Consent Authority must take into consideration such of the matters referred to in Section 79 C(1) as are of relevance to the development the subject of the application."*

Section 79C(1) of the Act states:

**"79C (1) Matters for consideration – general.** *In determining a development application, a Consent Authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument; and*

*(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the Consent Authority; and*

*(iii) any development control plan; and*

*(iv) any matters prescribed by the regulations,*

*that apply to the land to which the development application relates;*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest."*

This section assesses the compliance of the proposal against the relevant matters for consideration.

## 4.1. Planning Instruments

The planning instruments of relevance to the proposed application are discussed below.

### 4.1.1. Commonwealth Legislation

#### ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government's central piece of environmental legislation, providing a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places - defined in the Act as matters of national environmental significance.

At its southern border, the site adjoins a Biodiversity Corridor, comprising Cumberland Plain Woodland which is listed by both State and Commonwealth Government as a critical endangered ecological community.

Travers Bushfire and Ecology undertook an Ecological Assessment which formed part of the SSD documentation. Based on this independent advice and given that the proposed S96 modification involves further works which are within the approved boundaries of the site and development, Urban Concepts do not consider the proposed modification requires referral under this instrument.

### 4.1.2. NSW Legislation

#### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

##### APPROVALS NOT REQUIRED FOR SSD

Section 89J, Part 4 of the EP&A Act states that the following additional approvals/permits/licences/authorisations are not required for an approved SSD:

- (a) *The concurrence under Part 3 of the Coastal Protection Act 1979 of the Minister administering that part of that Act;*
- (b) *A permit under section 201, 205 or 219 of the Fisheries Management Act 1994,*
- (c) *An approval under Part 4, or an Excavation Permit under Section 139, of the Heritage Act 1977,*
- (d) *An Aboriginal Heritage Impact Permit under Section 90 of the National Parks and Wildlife Act 1974*
- (e) *An authorisation referred to in Section 12 of the Native Vegetation Act 2003 ( or under any Act repealed by that Act) to clear native vegetation or site protected land;*
- (f) *A Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997;*
- (g) *A water use approval under Section 89, a water management work approval under Section 90 or an activity approval (other than an aquifer interference approval) under Section 91 of the Water Management Act 2000.*

Division 8 of Part 6 of the Heritage Act 1977 does not apply to the carrying out of an SSD that has been approved.

## **APPROVALS THAT MUST BE APPLIED CONSISTENTLY TO SSD**

Section 89K, Part 4 of the EPA&A Act states that the following additional approvals/ permits/ licences/ authorisations for carrying out an approved SSD cannot be refused and must be substantially consistent with the approval under this part:

- (a) *An Aquaculture Permit under Section 144 of the Fisheries Management Act 1994;*
- (b) *An approval under Section 15 of the Mine Subsidence Compensation Act 1961;*
- (c) *A mining lease under the Mining Act 1992;*
- (d) *A production lease under the Petroleum (Onshore) Act 1991;*
- (e) *An Environmental Protection Licence under Section 3 of the Protection of the Environment Operations Act 1977 ( for any purpose referred to in Section 43 of that Act;*
- (f) *A consent under Section 138 of the Roads Act 1993;*
- (g) *A licence under the Pipelines Act 1967.*

It is our understanding that no additional approvals are required as a result of this Section 96 Modification.

## **STATE ENVIRONMENTAL PLANNING POLICY STATE AND REGIONAL DEVELOPMENT 2011**

State Environmental Planning Policy State and Regional Development 2011 identifies development that is determined as being of State Significance. The milk processing facility has a capital investment value of \$64 million and is captured by Clause 3 of Schedule 1 and the Minister for Planning and Infrastructure (The Minister) is the Consent Authority for the application.

The State Significant Development Application was approved by the Minister on the 20 December 2013 and falls under SSD Consent 6026. It is this consent that this S96 application seeks to modify and the Minister or his delegate is the Consent Authority for the purposes of this application.

## **STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY EMPLOYMENT AREA) 2009**

The State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSESEPP 2009) is the primary environmental planning instrument applicable to the site. The site is located within Precinct 7 Erskine Park which is land to which the policy applies. The proposed development is generally consistent with the provisions set out in this Policy as detailed below by Table 4.1.

In accordance with the provisions of Clause 18, the WSEA SEPP recognises the Erskine Park Development Control Plan 2006 (Erskine Park DCP 2006) as the relevant development control plan applying to the land. An assessment of compliance against the provisions of Erskine Park DCP 2006 is presented in the proceeding sub section.



TABLE 4.1 – ASSESSMENT OF THE PROVISIONS OF WSESEPP 2009

PROVISION	COMPLIANCE	COMMENT
Aims of Policy Land Use Zoning <i>Reference Clause 3 and 9</i>	Yes	The site is zoned IN1 General Industrial under this Plan. The modification does not result in a change to the general industrial use of the facility for a milk processing facility. This facility as a result of the LNG gas storage would not be considered to be an offensive or hazardous development.
Ecologically sustainable development <i>Reference Clause 20</i>	N/A	The proposed LNG tank and storage does not impact on the consumption of potable water and raises no issues associated with greenhouse gas emissions.
Heights of buildings <i>Reference Clause 21</i>	No	<p>The LNG tank is to be located at the Quarry Road frontage of the site. The tank measures 19 metres in height above ground level (RL 45.300) with the top of the tank being at RL 64.300. The Erskine Park DCP establishes a 15 metre height limit for the site. The non compliance with the 15 metre height limit is discussed in the proceeding section. As discussed, the non compliance is considered justified and reasonable.</p> <p>The location for the tank has been selected in conjunction with Benbow Environmental and is determined to be the most appropriate location given the interim nature of the use. The tank will be removed from the site once connection is secured to the Jemena piped network. This is anticipated to occur in the last quarter of December 2014. At this time, the LNG compound will be landscaped in accordance with the approved SSD Landscape Plan prepared by Group GSA.</p>
Rainwater harvesting <i>Reference Clause 22</i>	N/A	The proposed works do not relate to the fit out of the structure or ancillary works such as the connection of the roof into the stormwater.
Development adjoining residential land <i>Reference Clause 23</i>	N/A	The site is not within 250 metres of residential zoned land.
Development involving subdivision <i>Reference Clause 24</i>	N/A	The proposed development does not seek to subdivide land.

Public utility infrastructure Reference Clause 25	Yes	In granting consent to the SSD, The Minister has determined that the essential infrastructure can be made available to service the milk processing facility.  There is a time lag associated with the connection to the Jemena network which is necessitated by the April 2014 commissioning date for the facility and July 2014 production date. The piped gas supply will be available to the site by the last quarter of 2014. The proposed LNG tank is an interim measure to facilitate the timeframe for the commencement of commercial milk production at the facility.
Development in the vicinity of proposed transport infrastructure routes. <i>Reference Clause 26</i>	Yes	The site is not located within the vicinity of proposed transport infrastructure routes.
Industrial Release Area satisfactory arrangements for the provision of regional and infrastructure and Services <i>Reference Clause 29</i>	Yes	In granting consent to the SSD, The Minister has determined that satisfactory arrangements are in place for the provision of regional transport infrastructure. The proposed modifications raises no issues associated with the provision of regional transport Infrastructure.
Design Principles <i>Reference Clause 31</i>	Yes	The proposed LNG tank is temporary and will be removed from the site once the Jemena piped connection is made available. The location of the tank at the Quarry Road frontage is an interim measure and once removed, the compound will be removed and landscaped in accordance with the SSD approved Landscape plan prepared by Group GSA .
Preservation of trees or vegetation <i>Reference Clause 32</i>	Yes	The site is currently void of vegetation. As the proposed LNG tank is an interim use only, the area of the compound will be landscaped in accordance with the SSD approved landscaped plan prepared by Group GSA.

#### STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

This policy provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. Schedule 3 of the SEPP identifies traffic generating development that should be referred to the Roads and Maritime Services (RMS).

The proposed modification will generate two return trips per week associated with the filling of the tank. These movements will only occur for an interim period while until the piped Jemena connection is available to the site. The modification does not trigger any RMS concurrence requirements.

## STATE ENVIRONMENTAL PLANNING POLICY NO. 33 HAZARDOUS AND OFFENSIVE DEVELOPMENT

State Environmental Planning Policy No.33 (The Policy) Hazardous and Offensive Development sets out to:

- amend the definitions of hazardous and offensive industries where used in environmental planning instruments; and
- render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in the Policy; and
- ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account; and
- ensure that in considering any application to carry out potentially hazardous or offensive development, the Consent Authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

A Hazard Analysis has been undertaken by Benbow Environmental in accordance with the Multi-Level Risk Assessment and Hazardous Industry Planning Advisory Papers (HIPAPs) adopted by the Department of Planning and Infrastructure for Hazard Risk Analysis. The storage of 80,000L of LNG at the site triggers the application of SEPP 33 as the threshold quantity for Class 2.1 flammable gases is exceeded. The Hazard Analysis is reproduced in Attachment C of this report. The report concludes that:

- The operation of the proposed development exceeds the SEPP 33 Screening Thresholds. Further assessments have been carried out on the proposed facility in accordance with HIPAPs guidelines. The results from this assessment determined that the site's proposed operations are not an offensive or hazardous industry.
- The proposed subject site is located within the Erskine Park Business Area. Due to the nature of the operations and the hazard prevention and protection measures proposed for the subject site, it is expected that there would be no increase in hazardous risks to the existing or future residents in the subject area or to the occupants of the industrial area.
- It is the conclusion of this assessment that the proposed site and its operations would meet all the safety requirements stipulated by the Department of Planning and Infrastructure.
- This facility would not be considered to be an offensive or hazardous development. If significant changes to the types or quantities of chemicals stored on site were to occur, the reassessment of potential hazards may be required.

## STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No.55 Remediation of Land introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for the proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. A Preliminary Environmental Assessment (PEA) was undertaken to ascertain the site conditions and consider the likelihood for contamination to exist and was detailed in the EIS that accompanied the SSD. The PEA determined that the site was suitable for its intended use. The proposed modification does not raise any issues that would change the suitability of the site for its intended and approved use.

### 4.1.3. Local Planning Policies and Instruments

#### ERSKINE PARK DEVELOPMENT CONTROL PLAN 2006

The Erskine Park Development Control Plan 2006 (Erskine Park DCP 2006) sets out the specific development controls applicable to the site. The proposal is considered consistent with the aims and objectives of this plan. The S96 modification gives rise to a non-compliance associated with the 15 metre height limit that is specified for the site under the provisions of Clause 4.1.2 (b) which is reproduced below.

##### *4.1.2 Height Requirements*

*(b) The maximum height for buildings and structures in the Southern Area shown in Figure 1 shall not exceed 15 metres...*

The proposed LNG gas tank measures 19 metres in height and is of slender proportion. The tank sits below the height of the silos that were approved for the site under SSD 6026 silos. The silos are located to the south east of the main production facility and at 19 metres in height also exceed the 15 metre height limit. The SSD EIS documentation included a comprehensive visual impact analysis of the proposed silos and it was determined that the local context of the site and its landscape condition mitigated any adverse visual impact resulting from the breach of the 15 metre height limitation.

The Elevation Plan DA 10 prepared by Blomquist + Wark Architects and detailed in Attachment B of this report illustrates the height of the LNG tank relative to the height of the approved silos. Accordingly, as the height of the tank sits below the height of the silos due to the topography of the site, it is our considered opinion that it will not result in any adverse visual impact from the critical view corridors that were considered in the original SSD documentation.

In terms of the impact on the immediate Quarry Road frontage of the site and the amenity of the Business Park, the tank is an interim storage solution and will be removed once the Jemena connection is provided to the site. MGC is willing to accept as a condition of the S96 modification a condition requiring the removal of the tank and the reinstatement of landscaping in accordance with the approved SSD Landscape Plan prepared by Group GSA.

#### ERSKINE BUSINESS PARK DEVELOPMENT CONTRIBUTIONS PLAN 2008

This Development Contributions Plan sets out the Section 94 Developer Contributions to be paid to Penrith City Council for land known as Erskine Business Park, within the Local Government Area of Penrith. Penrith City Council has advised that all Section 94 Contributions have been paid in full for the subject site by CSR, the prior land owner of the land.

#### SOUTH CREEK CATCHMENT STORMWATER MANAGEMENT PLAN

The Stormwater Management Plan for the South Creek catchment coordinates the management of stormwater and promotes improved water quality within the South Creek catchment.

There are no changes sought to any condition of development consent, other than Condition 1 (approved plans). Any condition/s relating to soil and water management will still apply to the development, when modified.

## 4.2. Impact on the Environment

It is our professional opinion that the proposed S96 modification to the approved plans is minor and will not give rise to any adverse environmental impact for the following reasons:

- The proposed works are interim works and are required to facilitate the timely augmentation of Infrastructure to the site. The timeframe constraints arise from a contractual obligation for the facility to commence commercial milk production in July 2014. This timeframe necessitates that commissioning of the production and filling lines occur in April 2014.
- Construction of the facility has commenced and is on time to meet the July 2014 opening subject to the supply of gas and electricity to the site. Jemena, the gas supply authority has indicated that it will have its network infrastructure connected to the site during the last quarter of 2014.
- The 80,000L LNG tank will be removed from the site once the Jemena connection is realised. At this time, landscaped works in accordance with the approved SSD Landscape Plan will be undertaken to make good the LNG compound.
- Although interim, the storage of 80,000L of LNG on the site has triggered the provisions of SEPP 33. Benbow Environmental has undertaken a thorough assessment of the hazard risk in accordance with HIPAPs guidelines and formed the opinion that the site's proposed operations are not an offensive or hazardous industry and can be undertaken within prescribed safety and hazard legislation.

## 4.3. The Suitability of the Site

The site is highly suited to the works which are proposed under the S96 modification as an interim fuel supply is essential to enable the commissioning of filling and plant equipment in the pre-production phase of the Milk Processing Facility, being that period from April through to July 2014 and for the initial 6 month operation of the Facility between 1<sup>st</sup> July and 31<sup>st</sup> December 2014.

In granting consent under SSD 6026, The Minster has determined that the milk processing facility is a suitable use of the Erskine Park Business Area site. The proposed modification is a temporary solution being progressed to facilitate network connection to the primary LNG supply by Jemena.

The hazard and safety implications of the temporary storage facility have been assessed in accordance with the relevant SEPP 33 provisions and is supported.

While the interim gas fuel supply necessitates the location of a 19 metre high steel tank at the Quarry Road frontage of the site, it is MGC's intention to remove the tank from the site once a reliable and permanent piped supply of LNG is made available to the site by Jemena. MGC is willing to accept as a condition of the S96 approval a condition requiring the removal of the tank from site.

## 4.4. The Public Interest

The proposed modification has been fully considered and it is our professional opinion that it is a minor modification and in the public interest for the following reasons:

- It is required to facilitate the primary use of the site which has been approved under SSD 6026.
- An interim fuel supply is essential to enable the commissioning of filling and plant equipment in the pre-production phase of the Facility, being that period from April through to July 2014 and for the initial 6 month operation of the Facility between 1<sup>st</sup> July and 31<sup>st</sup> December 2014.
- The works are an interim solution and on connection to the Jemena network, all works being the 19 metre steel tank and the platform will be removed from the site and landscaping reinstated in accordance with the SSD approved Group GSA Landscape Plan.
- The construction of the facility is progressing and can occur within the required timeframe. The completion of the facility without a power supply will require milk to be supplied to NSW under the Coles agreement by road delaying MGC's ability to maximise its employment at the Facility. The interim solution of a temporary LNG storage facility on the site is in the public interest given Jemena's assurance that a permanent network connection will be made during the last quarter of 2014.

## 5. Conclusion

This Statement of Environmental Effects has fully considered the proposed S96 modification having regard to its statutory compliance under Commonwealth, State and Local Environmental Planning Instruments and Policies, its environmental impact and its potential to give rise to an environmental safety hazard.

Having fully considered each area of inquiry as addressed in the supporting specialist investigations it is our professional opinion that the proposed S96 modification can be supported.

We trust that the information contained in this statement is sufficient to enable a prompt assessment of the modification application. If you have any queries or would like to discuss this matter further please telephone the undersigned on (02) 9964 9655.

Yours faithfully



**Belinda Barnett**  
Director  
Urban Concepts