



Your reference: SSD-6030  
Our reference: DOC13/74248  
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 Andrew Hartcher

Dear Mr Ritchie

**Exhibition of environmental assessment for Food Processing Facility, Erskine Park (SSD-6030)**

I refer to your letter received by the Environment Protection Authority on 2 September 2013 seeking EPA 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 Food Processing and Packaging Facility (SSD-6030) Part Lot 2304 Templar Road, Erskine Park* dated August 2013 prepared by SJB Planning.

The EPA has reviewed the above mentioned Environmental Impact Statement (EIS) and the additional information provided by the proponent to the EPA by email dated 18 October 2013. 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 consider incorporating the proposed conditions into the conditions of consent should Department of Planning and Infrastructure (DP&I) intend to grant approval.

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

The proposal is listed as a scheduled activity (*livestock processing activities*) under Schedule 1 (clause 23) of the *Protection of the Environment Operations Act 1997* and will therefore require an environment protection licence (EPL) from the EPA prior to commencing livestock 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

*G Howard 23/10/13*

**GISELLE HOWARD**  
**Director Metropolitan**  
**Environment Protection Authority**

**Attachment 1: EPA comments on the EIS for Food Processing and Packaging Facility,  
Erskine Park SSD-6030**

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

**Environment Protection Licence**

The EPA considers that the EIS should contain an assessment undertaken by the proponent as to whether an environment protection licence (EPL) is required for an activity/activities that the proponent proposes to undertake at the premises. In undertaking the assessment the proponent should refer to the activities specified under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). This information should be upfront in the EA.

The EPA notes that the Air Quality Assessment document, contained in the appendices of the EIS, has a table where it has taken the activities and identified those which may be scheduled activities and require an EPL from the EPA. However, it is difficult for the EPA to ascertain whether this assessment is accurate.

In its email dated 26 September 2013 to CIP, the EPA sought clarification from the proponent regarding an assessment of whether an EPL is required for an activity/activities specified under Schedule 1 of the POEO Act. CIP's response email dated 18 October 2013 confirmed that the proposal will require an EPL for the following scheduled activities: *livestock processing activities, chemical storage waste generation and waste storage*. A further telephone conversation on 21 October 2013 between EPA officers and CIP clarified that it is unlikely that the proposal triggers the criteria for chemical and waste storage scheduled activities.

The EPA recommends that before submitting an application for an EPL to the EPA, that the proponent undertakes an assessment of the activities to be undertaken at the site against the criteria for scheduled activities listed under Schedule 1 of the POEO Act. The assessment should confirm whether any proposed activities are of a nature or quantity to be considered scheduled activities and therefore require the issue of an EPL.

**Dust**

Dust emissions from the construction phase of this project have the potential to cause significant 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 10.2.3) to address dust from construction activities are more comprehensive than those specified in the EIS' Attachment 19: Proposed Mitigation Measures.

The EPA recommends the implementation of the proposed dust mitigation measures specified in of the Air Quality Assessment and that these should be expanded to include those specified in Section 10.2.3 of the EIS.

**Odour**

The EPA's environmental assessment requirements requested an assessment of potentially odorous emissions in accordance with DEC's (2006) odour framework documents. The EIS does not indicate whether an odour impact assessment has been undertaken.

EPA considers that the proposal has a number of potential odour generating activities/sources and that unacceptable levels of offensive odour could be emitted from these activities, if best management practice and best available technology are not applied. The activities that are considered to be a potential source of offensive odours include (but are not limited to): the operation of the wastewater treatment plant, storage of animal waste for disposal; removal and storage of sludge/screenings; and transfer of waste products from the facility to trucks for disposal off-site.

Minimal information is provided in the EIS' Air Quality Assessment in relation to the potential odorous activities/sources and more detail is required to indicate how the facility will be managed particularly in the operation phase, to ensure that there are minimal environmental impacts due to the emission of odours. The EIS states that an objective of the wastewater treatment plant is that it will meet criterion of 1 odour unit or less at the Project boundary – the Proponent should demonstrate how this objective will be achieved. Similarly, the Proponent should demonstrate how it will ensure that odour prevention and minimisation measures are implemented at the site to avoid odour impacts or offensive odour.

In an email dated 26 September 2013 to CIP, the EPA sought further information from the proponent regarding:

- the identification of potential odorous sources/activities;
- location details of any potentially odorous plant and equipment (e.g. whether they are fully contained in enclosed buildings, whether negative pressure will be employed in buildings or ventilation / air changes are undertaken, temperature of building etc);
- the specifics/plant design of the wastewater treatment plant;
- the odour controls that will be used at the facility, including any controls that will be employed at the wastewater treatment plant, sludge and screening waste facilities/bins, animal waste facilities/bins and on waste trucks.

In their email response dated 18 October 2013 CIP advised that the Air Quality Assessment is equivalent to a Level 1 Odour Impact Assessment which provides a screening level assessment for the facility. The proponent provided clarification on issues raised by EPA and additional information pertaining to operational odour management measures. The EPA notes that the final design of the wastewater treatment plant has yet to be achieved (including the sludge management process), and that the proponent should ensure best available technology and best management practices are considered in the final design for the wastewater treatment plant to ensure that offensive odour is minimised.

The EPA recommends that the odour mitigation measures identified in the EIS, including those in the Air Quality Assessment report and Attachment 19: Proposed Mitigation Measures, are implemented.

### **Air Quality**

The EPA notes that the proponent will be undertaking stack verification testing of the 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. The EPA supports this testing and intends to include a special condition on the EPL relating to boiler stack verification testing and reporting of the associated results.

### **Noise and vibration**

The noise assessment titled: *Noise Impact Assessment Food Processing and Packaging Facility at Part Lot 2304 Templar Road, Erskine Park* prepared by EMGA Mitchell McLennan's dated 30 July 2013 for the proposal indicates that during construction works there is potential for predicted noise levels to exceed noise criteria at the nearest southern receptors. The EPA notes also that an assessment of vibration does not appear to have been undertaken for the proposal. The EPA recommends that the construction noise mitigation measures identified in the EIS are implemented, including the preparation and implementation of a construction noise management plan and that any vibration impacts if identified, are appropriately identified and addressed through suitable mitigation measures.

The EPA notes that the Noise Impact Assessment report indicates that operational noise would be dominated by noise from on-site trucking movements and noise from loading/unloading at the docks. This report does not appear to have considered the noise impact from other potential operational noise sources such as plant and equipment (e.g. boilers, generators, refrigeration units, wastewater treatment plant).

The EPA recommends that the operational noise mitigation measures identified in the EIS are implemented. These include the preparation of an operational noise management plan. The operational noise management should also address any other potential operational noise sources at the facility and should including appropriate noise control / mitigation measures.

**Waste Management**

The EPA considers the Waste Management Plan that is included in the EIS to have insufficient detail for both construction and operational phases of the proposal, and needs to be prepared and implemented prior to commencement of works. The EPA understands that the proponent is exploring available options for the reuse of sludge from the wastewater treatment plant and meat waste. The EPA advises that when a preferred option is decided, this option needs to be included in the Waste Management Plan.

## Attachment 2: EPA recommended conditions of consent for Food Processing and Packaging Facility, Erskine Park (SSD-6030)

### 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](http://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 should develop and implement an Operational Odour 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.
5. 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

6. 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.
7. The proponent must provide a report containing the results and interpretations of the above stack verification testing to the EPA for its review.

### Noise

8. The proponent should prepare and implement a detailed Construction Noise and Vibration Management Plan (CNVMP), to be approved by the Director General before commencement of works.
9. All construction work/activities at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 3pm 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 CNVMP approved by the Director General.
10. The proponent should prepare and implement a detailed Operational Noise Management Plan, to be approved by the Director General prior to commencing operations at the premises.
11. Noise generated at the premises must not exceed the noise limits presented in the table below. Note: The location(s) referred to in the table below are indicated by Figure 2.1 of EMGA Mitchell McLennan's *Noise Impact Assessment Food Processing and Packaging Facility at Part Lot 2304 Templar Road, Erskine Park* dated 30 July 2013.

Location	Noise limits dB(A)	
	Day, Evening and Night LAeq, 15 minute	Night time Sleep Disturbance LA1, 1 minute or LA max
Erskine Park Residences	35	45
Emmaus Village, Bakers Lane, Erskine Park	35	45

12. For the purpose of condition 11:
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays;
  - 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 Holidays.
13. The noise limits set out in condition 11 apply under all meteorological conditions except for 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.
14. For the purposes of condition 13:
- 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 the environment protection licence or nearest Bureau of Meteorology station providing relevant data (to be negotiated with propend by regional EPA office);
  - b) temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.
15. To determine compliance:
- a) with the  $L_{eq(15\text{ minute})}$  noise limits in condition 11, 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 11, 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 15 (a) or 15(b).
16. Attended and unattended noise monitoring must be undertaken 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.
17. 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 11 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.
18. 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.

## **Waste Management**

19. 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*.