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Contact: : Lindsay Fulloon – 02 6773 7000 – armidale@epa.nsw.gov.au
Date : 17 October 2014

Pamela Morales
Planning Officer
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Morales

State Significant Development No. 6093 – Bindaree Beef Bio-digester and Rendering Plants – EPA Response to Submissions Report

The NSW Environment Protection Authority (EPA) refers to the '*Bindaree Beef Australia, Submissions Report for the Proposed Bio-Digester Plan and Rendering Plant*' prepared for Yolarno Pty Ltd by Mitchell Hanlon Consulting Pty Ltd dated 14 October 2014. The EPA has reviewed this report and notes that the proponent has accepted the EPA's recommended consent conditions with respect to managing air quality impacts and has committed to complying with these.

The EPA also notes that one submission from a member of the public raised concerns with respect to air quality and odour impacts. The EPA believes the safeguards that have been incorporated in its recommended air quality conditions of consent adequately address these concerns.

The EPA notes that the NSW Office of Water's (NOW) submissions dealt comprehensively with surface and groundwater impacts and stormwater controls. The EPA supports the proponent's commitment to the conditions of consent recommended by the NOW and believes that these adequately address these matters. EPA is happy to work with the NOW and the proponent to avoid duplication in monitoring and reporting effort.

The proponent has accepted components of the EPA's recommended consent conditions addressing noise impacts. However the EPA notes that the proponent has objected to the proposed noise monitoring locations and the proposed noise monitoring frequency. The EPA has carefully considered the proponent's concerns in relation to these issues and resolved that:

- After re-examining the frequencies of winds that the site experiences from the south-east, the EPA is willing to remove receptors 3, 4 and 44 from the proposed noise monitoring locations as requested;
- EPA is not prepared to accept receptor 36 as a noise monitoring location as there are 5 residences that are closer to the abattoir in the same general direction from the plant. From this perspective, EPA intends to retain receptor 41 as a monitoring location. Demonstrated compliance at this

Email: armidale@epa.nsw.gov.au
PO Box 494 Armidale NSW 2350
85 Faulkner Street, Armidale NSW 2350
Tel: (02) 6773 7000 Fax: (02) 6772 2336
ABN 30 841 387 271
www.epa.nsw.gov.au

location is also considered a useful means of demonstrating compliance at receptors 40, 39, 38, 37 & 36. If receptor 36 is used as a monitoring location in place of receptor 41, compliance at this location will not demonstrate compliance at the 5 closer receptors. Bindaree Beef can undertake additional voluntary monitoring at receptor 36 if they wish;

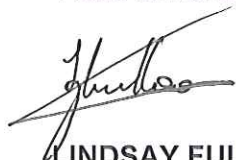
- EPA is generally not prepared to reduce the frequency of noise monitoring until the variability of noise impacts have been established and sustained compliance has been demonstrated by the licensee. From this perspective, while EPA do not plan to alter the frequency of monitoring at this point, it does propose placing a note at the bottom of recommended noise condition M8.1 which states: *"Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established and the licensee has demonstrated sustained compliance with the noise limits established at Condition L6.1"*; and
- EPA proposes amending condition R4 slightly to reference noise monitoring condition M8.1 rather than using the words "six-monthly monitoring" in the first sentence. This way if EPA varies the noise monitoring frequency as discussed above, then the reporting frequency will also change accordingly.

In light of the proposed changes listed above, the EPA has amended its recommended Noise Impact Consent Conditions. These are provided as Attachment 1 to this letter for consideration by the Department of Planning and Environment in determining this project.

The EPA notes that one submission from the residents of 84 Ditzell's Drive, Inverell (receptor 36) also raised concerns about potential increased noise impacts at this location. EPA confirms that the noise assessment provided in support of the development predicts compliance with the proposed noise limits of $LA_{eq(15 \text{ minute})} = 35\text{dB(A)}$ at this location. The EPA also notes that the proposed limits are the most conservative that could be applied to any industrial complex in accordance with the *NSW Industrial Noise Policy*. The EPA also considers that its recommended Noise Impact Consent Conditions provided at Attachment 1, will adequately address the concerns raised in this submission.

Please contact the undersigned on (02) 6773 7000 or by email to armidale@epa.nsw.gov.au if you wish to discuss this matter.

Yours sincerely



LINDSAY FULLOON

Acting Head Regional Operations Unit - Armidale
Environment Protection Authority

Encl: Attachment 1 - EPA's Recommended Noise Conditions for the Bindaree Beef Proposed Bio-Digester Plant and Rendering Plant (SSD 6093) as Amended Further to the Submissions Report dated 14 October 2014.

**Attachment 1 – EPA’s Recommended Noise Conditions for the Bindaree Beef
Proposed Bio-Digester Plant and Rendering Plant (SSD 6093) as Amended Further to
the Submissions Report dated 14 October 2014**

Limit Conditions

L3 Hours of operation

L3.1 Standard construction hours

Unless otherwise specified by any other condition of this licence, all construction activities are:

- a) restricted to between the hours of 7:00am and 6:00pm Monday to Friday;
- b) restricted to between the hours of 8:00am and 1:00pm Saturday; and
- c) not to be undertaken on Sundays or Public Holidays.

L3.2 Exemptions to standard construction hours

The three categories of works that may be undertaken outside the standard hours of operation permitted by Condition L3.1 are:

- a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;
- b) emergency work to avoid the loss of lives or property, or to prevent environmental harm;
- c) works that are not more than 5 dB(A) over the rating background level at the nearest noise sensitive receiver as assessed by acoustic investigation.

The licensee must notify the EPA within 24 hours of undertaking any works referred to in Condition L3.2 as well as providing the EPA with a copy of the results of any acoustic investigation made in relation to Condition L3.2 c) within 24 hours.

L3.3 Works approved outside of standard construction hours are permitted provided it is agreed through negotiations between the licensee and all noise sensitive receivers likely to be affected or as otherwise agreed by the EPA. Any agreement(s) between the licensee and the residents must be recorded in writing and a copy of the agreement(s) kept on the premises by the licensee for the duration of the licence.

If approval from the EPA is sought for works outside of standard construction hours, the licensee must submit to the EPA in writing:

- a) a description of consultation with all noise sensitive receivers likely to be affected;
- b) a description of the works to be undertaken outside of standard construction hours;
- c) a description of the planned timeframes for the works;
- d) justification as to why the works must be undertaken outside of standard construction hours; and

e) the mitigation measures that will be applied to the works, having regard to the "Interim Construction Noise Guideline, DECC July 2009".

L6 Noise Limits

L6.1 Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are defined within Appendix H of the document titled "*Bindaree Beef Australia Environmental Impact Statement for the proposed Bio-Digester Plant and Rendering Plant, 7307 Gwydir Highway, Inverell*".

Locality	Location	NOISE LIMITS dB(A)			
		Day	Evening	Night	
		L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Location 1	The residence on the property located at 77 McNeils Road, Inverell, Lot 138 DP1091620 marked as Receptor 8 on Figure 2-2 in the document titled " <i>Bindaree Beef EIS – Noise Assessment</i> " dated 11 June 2014 by Vipac Engineers and Scientists	35	35	35	45
Location 2	The residence on the property located at 7360 Gwydir Highway, Inverell, Lot 5 DP831434 marked as Receptor 42 on Figure 2-2 in the document titled " <i>Bindaree Beef EIS – Noise Assessment</i> " dated 11 June 2014 by Vipac Engineers and Scientists	35	35	35	45
Location 3	The residence on the property located at 581 Fernhill Road, Inverell, Lot 1 DP1086623 marked as Receptor 41 on Figure 2-2 in the document titled " <i>Bindaree Beef EIS – Noise Assessment</i> " dated 11 June 2014 by Vipac Engineers and Scientists	35	35	35	45

Location 4	The residence on the property located at 7204 Gwydir Highway, Inverell, Lot 1 DP617431 marked as Receptor 34 on Figure 2-2 in the document titled " <i>Bindaree Beef EIS – Noise Assessment</i> " dated 11 June 2014 by Vipac Engineers and Scientists	35	35	35	45
	Any other affected residence not owned by the licensee or its related companies	35	35	35	45

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 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.

L6.3 The noise limits set out in condition L6.1 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.

L6.4 For the purposes of condition L6.3:

- a) Data recorded by the meteorological station identified as EPA Identification Point W1 must be used to determine meteorological conditions ; and
- 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.

L6.5 To determine compliance:

- a) with the $L_{eq(15 \text{ minute})}$ noise limits in condition L6.1, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the $L_{A1(1 \text{ minute})}$ noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in condition L6.1, the noise measurement equipment must be located:
- 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 L6.5(a) or L6.5(b).

L6.6 A non-compliance of condition L6.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L6.5(a) and L6.5(b); and/or
- at a point other than the most affected point at a location.

L6.7 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.

Monitoring Conditions

M7.1 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M7.2.

M7.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point W1

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M8 Requirement to Monitor Noise

M8.1 To assess compliance with Condition L6.1, attended noise monitoring must be undertaken in accordance with Conditions L6.5 and:

- a) at locations 1 to 4 listed in Condition L6.1;
- b) occur once every six months so it occurs twice in each reporting period;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and
 - 1 hour during the night.
- d) occur for three consecutive operating days.

Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established and the licensee has demonstrated sustained compliance with the noise limits established at Condition L6.1.

Reporting Conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the noise monitoring required by Condition M8.1. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L6.1.

Additions to Definition of Terms of the licence

- NSW Industrial Noise Policy - the document entitled "New South Wales Industrial Noise Policy published by the Environment Protection Authority in January 2000."
- Noise - sound pressure levels' for the purposes of conditions L6.1 to L6.7.

