

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, I modify the Project Approval referred to in Schedule 1, as set out in schedule 2.



Chris Wilson  
**Executive Director**  
Major Projects Assessment

Sydney

23 December 2011

---

### SCHEDULE 1

<b>Project Number:</b>	06_0303
<b>Proponent:</b>	Tooheys Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Part Lot 10 DP 1008367, 29 Nyrang Street Lidcombe
<b>Project:</b>	Upgrade and continued use of the Tooheys Brewery
<b>For the following:</b>	Wastewater Treatment Plant

## SCHEDULE 2

1. Insert new definition as follows:  
  
WWTP     Wastewater Treatment Plant
2. Replace Condition 2 in Schedule 2 with the following:
  2. The Proponent shall carry out the project generally in accordance with the:
    - a) EA;
    - b) Revised site plan contained in appendix A;
    - c) Statement of Commitments in Appendix B;
    - d) Modification application 06\_0303 MOD 1 and supporting document titled *Tooheys Brewery, Lidcombe - Cogeneration Facility - Part 3A Modification - Environmental Assessment, prepared by ARUP, September 2009;*
    - e) Modification Application 06\_0303 MOD 2 and supporting documentation titled *Tooheys Brewery, Lidcombe, Heineken Brewing Expansion - Part 3A Modification - Environmental Assessment, prepared by ARUP, May 2010;*
    - f) Modification application 06\_0303 MOD 3 and supporting document titled *Tooheys Brewery, Wastewater Treatment Plant, Environmental Assessment, September 2011, including Statement of Commitments, prepared by ARUP; and*
    - g) Conditions of this approval.
3. Insert Condition 21b and 21c directly under Condition 21a in Schedule 3:
  - 21b. Within 90 days of commencement of operation of the WWTP, the Proponent shall undertake a noise validation assessment to demonstrate compliance with the findings of the EA.
  - 21c. Should the results of the noise audit or noise validation assessment required under Condition 21a or 21b demonstrate an exceedence of the project noise criteria, Tooheys shall employ additional mitigation measures to reduce noise impacts from the site, to the satisfaction of the Director-General.
4. Replace condition 22a in Schedule 3 with the following:
  - 22a. Unless otherwise specified by the Director-General, the Proponent shall comply with all monitoring (points) requirements and pollutant discharge concentration limits as specified in the site EPL issued under the POEO Act.
5. Insert Condition 24a directly under Condition 24 in Schedule 3:
  - 24a. Within 60 days of commencement of operation of the WWTP, the Proponent shall undertake an Odour Validation to demonstrate compliance with the WWTP EA.
  - 24b. Within 90 days of commencement of operation of the WWTP, the Proponent shall undertake a facility wide Odour Impact Assessment for all approved operations. The assessment shall:
    - a) be prepared by a suitably qualified expert;
    - b) be submitted to the Director-General and OEH within 6 months of commencing operation of the WWTP;
    - c) be conducted in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW;*
    - d) include:
      - a description of all odour emission sources (fugitive and point) from the facility including the WWTP;

- facility-wide odour dispersion modelling assessment of the approved operations against the applicable odour criteria;
  - an analysis of the odour control strategies (design features such as stacks or operational logistics) at the brewery;
  - an assessment of the need for additional design features at the brewery (eg. stack points for odour sampling, if any); and
  - details and scheduling for an ongoing odour monitoring program.
- 24c. The Proponent shall prepare and implement a facility wide Air Quality and Odour Management and Monitoring Plan. The Plan shall:
- a) be prepared by a suitably qualified expert in consultation with the OEH;
  - b) be submitted to the Director-General for approval within 12 months of commencing operation of the WWTP;
  - c) be conducted in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*;
  - d) identify all major sources of odour and air pollutants that may be emitted as result of the operation of the project;
  - e) include monitoring of emissions from the project, in accordance with any requirements of the EPL;
  - f) include procedures for the minimisation of emissions from the project, and the reduction of these emissions over time, where appropriate;
  - g) include protocols for regular maintenance of process equipment to minimise the potential for odour and air emissions; and
  - h) detail procedures to be undertaken if any non-compliance is detected.
6. Insert condition 28a directly under Condition 28 in Schedule 3:
- 28a. The Proponent shall undertake appropriate bunding of the WWTP. All bunding must consist of impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with:
- a) the requirements of Sydney Water;
  - b) the requirements of all relevant Australian Standards; and
  - c) the DECCW's *Environmental Protection Manual Technical Bulletin Bunding and Spill Management*.

7. Replace condition 36 in Schedule 3 with the following conditions 36 and 36a:

Pre-construction

36. The Proponent shall undertake the following pre-construction hazard studies detailed under subclause 36a)-c). The studies shall be submitted to the Director-General no later than one month prior to the commencement of construction of the WWTP or within such further period as the Director-General may agree.
- a) Fire Safety Study – An update of the existing Fire Safety Study consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No.2 – '*Fire Safety Study Guidelines*'
  - b) Final Hazard Analysis – A Final Hazard Analysis consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No.6 – '*Guidelines for Hazard Analysis*'.
  - c) A Construction Safety Study consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No.7 – '*Construction Safety Study Guidelines*'.
- 36a. The Proponent shall implement the recommendations and safeguards proposed in the Preliminary Hazard Analysis (PHA) report for the WWTP to the satisfaction of the Director-General.

8. Replace condition 37 in Schedule 3 with the following:

Pre-Commissioning

37. Prior to commissioning of the WWTP, the Proponent shall update the following plans to the satisfaction of the Director-General:
- a) the existing site Emergency Plan; and
  - b) the existing site Safety Management System.

9. Replace condition 37a in Schedule 3 with the following:

Hazards Audit

- 37a Within twelve months of commencement of operation of the WWTP, and every three years thereafter, the Proponent shall commission and pay the full cost of a Hazard Audit of the entire Toohey's Brewery facility. The audit shall:
- a) be conducted by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Director-General;
  - b) be consistent with the Department's Hazardous Industry Planning Advisory Paper No.5 'Hazard Audit Guidelines'; and
  - c) be submitted to the Director-General within one month of conducting the audit.

10. Replace Condition 42 in Schedule 4 with the following:

42. The Proponent shall prepare and implement a revised Environmental Management Strategy for the project, to the satisfaction of the Director-General. This strategy shall be submitted to the Director-General prior to construction of the WWTP and must:
- a) provide the strategic context for environmental management of the project;
  - b) identify the statutory and other obligations that apply to the project;
  - c) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
  - d) describe the procedures that would be implemented to:
  - e) keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliance;
    - report on monitoring results; and
    - respond to emergencies.
-