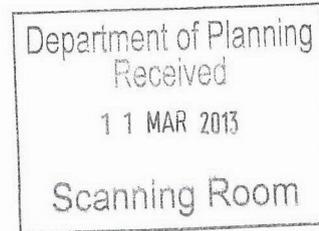


PCU042373

Contact: Natasha Ryan 02 49086833  
Our reference: DOC13/3052 DOC13/5125 LIC12/62

Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Chris Ritchie



Dear Mr Ritchie

**CRAWFORDS FREIGHTLINES PTY LTD AMMONIUM NITRATE STORAGE AND DISTRIBUTION FACILITY SANDGATE SSD-5119**

**ENVIRONMENTAL ASSESSMENT AND RECOMMENDED CONDITIONS OF APPROVAL**

Reference is made to your letter dated 30 January 2013 regarding development application for the State Significant Development number SSD-5119 for Crawfords Freightlines Pty Ltd Ammonium Nitrate Storage and Distribution Facility at Sandgate and the Environmental Impact Statement ("EIS") Volume I, II and III December 2012 prepared by Environmental Resources Management Australia.

The Environmental Protection Authority ("EPA") understand that the development proposal involves the storage of up to 13,500 tonnes of ammonium nitrate within existing warehouses at the site, retention of ancillary buildings and infrastructure, minor building modifications and upgrades to the existing stormwater management system.

**Recommended Conditions of Approval**

The EPA has reviewed the information provided, and has determined that, should development consent be granted, it would be able to issue an Environment Protection Licence ("EPL") under the *Protection of the Environment Operations Act 1997* ("POEO Act") subject to a number of conditions. Recommended Conditions of Approval are provided at Attachment 1 of this letter.

If the Department of Planning and Infrastructure ("DP&I") grant development consent for this proposal these conditions should be incorporated into the consent.

The Recommended Conditions of Approval relate to the development as proposed in the EIS documents provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of a condition proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before consent is issued. This will enable the EPA to determine whether a condition of approval needs to be modified in light of the changes.

**Contaminated Land**

The EIS recommends that the applicant notify the EPA under Section 60 of the *Contaminated Land Management Act 1997* due to contamination of groundwater on the site from current and historic activity. The applicant, to date, has not notified the EPA. The EPA has included groundwater monitoring as a condition of approval for the development in order to further characterise the extent of contamination.

The EPA also recommend that any areas that are currently not impermeable be upgraded to hardstand to enable adequate cleaning and containment of ammonium nitrate to prevent further groundwater contamination. This should at least include the storage areas and trafficable areas. Additionally the EPA recommends that a monitoring program be carried out to determine the effectiveness of the Surface Water Quality Management System. This has been included as a Special Condition in the attached Recommended Conditions of Approval.

**Noise**

The EPA has included noise limits as defined in Table 5.23 of the EIS. The EPA advises Department of Planning and Infrastructure ("DP&I") that the consultant may have made a transcription error with the project specific noise levels for receptor R1, R3, R4 and R5 for the evening values. As the error was in favour of more conservative levels the EPA has recommended noise limits as provided in the Table 5.23 of the EIS.

**Environment Protection Licence**

Should development consent be granted, the applicant must make a separate application to the EPA to obtain an EPL prior to the commencement of any scheduled development work and /or activity as required by the POEO Act.

If you require any further information regarding this matter please contact Natasha Ryan on (02) 49086833.

Yours sincerely

*Rebecca Scrivener* 7/3/2013

**REBECCA SCRIVENER**  
**A/Head Regional Operations Unit – Hunter**  
**Environment Protection Authority**

Encl: Attchmt 1: Recommended Conditions of Approval

**ATTACHMENT 1****ENVIRONMENT PROTECTION AUTHORITY (EPA) - RECOMMENDED CONDITIONS OF APPROVAL****SSD-5119 - CRAWFORDS FREIGHTLINES PTY LTD AMMONIUM NITRATE STORAGE FACILITY****ADMINISTRATIVE CONDITIONS****A1 Works to be undertaken in accordance with information supplied to the EPA**

A1.1 Except as provided by these conditions of approval, the works and activities must be undertaken in accordance with the proposal contained in:

(a) 'Ammonium Nitrate Storage and Distribution Facility Environmental Impact Statement – Final Volumes I-III' Environmental Resources Management Australia December 2012;

unless otherwise specified in these conditions of approval.

A1.2 The applicant must not store more than 13,500 tonnes of ammonium nitrate at the premises at any one time.

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in Section 83 of that Act.

**DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND****P1 Location of monitoring/discharge points and areas**

P1.1 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the discharges of pollutants to water from the point.

P1.2 The following utilisation areas referred to in the table below are identified for the purposes of the monitoring and/or setting of limits for any application of solids or liquids in the utilisation area.

***Water and land***

<b>EPA identification number</b>	<b>Type of Monitoring Point</b>	<b>Type of Discharge Point</b>	<b>Location Description</b>
1	Groundwater Quality Monitoring	N/A	Groundwater monitoring well located up gradient
2	Groundwater Quality Monitoring	N/A	Groundwater monitoring well located up gradient
3	Groundwater Quality Monitoring	N/A	Groundwater monitoring well located down gradient
4	Groundwater Quality Monitoring	N/A	Groundwater monitoring well located down gradient

Notes: The applicant must undertake groundwater monitoring at four locations representative of both up gradient and down gradient of the site on a six monthly basis. The location of the monitoring sites must be provided to the EPA as eastings and northings with the application for an Environment Protection Licence (EPL) on a plan of the site that has been prepared by a registered surveyor. The site selection and monitoring must be undertaken by a suitably qualified person.

## LIMIT CONDITIONS

### L1 Pollution of Waters

- L1.1 Except as may be expressly provided by a license under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in connection with the carrying out of the development.

### L2 Waste

- L2.1 The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

### L3 Potential offensive odour

- L3.1 No condition of the approval of this development identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997*.
- L3.2 The applicant 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 license directed at minimising the odour.

### L4 Hours of Operation

#### L4.1 Standard Construction Hours

Unless otherwise specified by any condition of the approval 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.

### L5 Noise

- L5.1 Where a noise limit has not been prescribed, all operations and activities occurring on the premises must be conducted in a manner that does not cause offensive noise.
- L5.2 Noise operated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Table 5.17 in the *'Ammonium Nitrate Storage and Distribution Facility Environmental Impact Statement – Final Volume 1, Crawfords Freightlines, Environmental Resource Management Australia December 2012'*.

## Noise Limits

Locality	Location	Noise Limits dB(A)		
		Day L <sub>Aeq(15 min)</sub>	Evening L <sub>Aeq(15min)</sub>	Night L <sub>Aeq(15min)</sub>
R1	Residential receptor located on 49 Blanch Street	39	39	39
R2	Newcastle golf practice centre	55	55	55
R3	Residential receptor located on 24 Astra Street	42	42	42
R4	Residential receptor located on Wallsend Road	42	42	42
R5	Residential receptor located on Wallsend Road	42	42	42
R6	Residential receptor located on the eastern side of the Pacific Highway	57	48	54
R7	Residential receptor located on the western side of the Pacific Highway	60	57	48
R8	St Joseph's aged care and independent living	43	40	35
R9	Industrial receptor located within the same industrial area and south of Old Maitland Rd	70	70	70

Note: The applicant must provide the EPA with address details for residential receptors in the above table with the application for an Environment Protection Licence.

L5.3 For the purpose of condition L5.2:

- 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; and
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L5.4 The noise limits set out in condition L5.2 apply under all meteorological conditions except for the following:

- a) wind speeds greater than 3 metres per second at 10 metres above ground level; or
- b) stability category F temperature inversion conditions and wind speeds greater than 2 metres per second at 10 metres above ground level; or
- c) stability category G temperature inversion conditions.

L5.5 For the purpose of condition L5.2:

- a) data recorded by the Bureau of Meteorology - Newcastle Nobby's Station AWS 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 the NSW Industrial Noise Policy.

L5.6 To determine compliance:

- a) with the L<sub>Aeq(15min)</sub> noise limits in condition L5.2 the noise measurement equipment must be located:
  - approximately on the property boundary, where any dwelling is situated 30 meters 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 noise limits in condition L5.2 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 L5.6 (a) or L5.6 (b).
- L5.7 A non compliance of condition L5.2 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 L5.6 (a) and L5.6 (b); and/or
  - at a point other than the most affected point at a location.
- L5.8 For the purposes of determining 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.

### Definitions

- NSW Industrial Noise Policy – the documented titled ‘New South Wales Industrial Noise Policy’ published by the EPA in January 2000.
- Noise – sound pressure levels for the purposes of conditions L5.1- L5.8.

## **OPERATING CONDITIONS**

### **O1 Activities must be carried out in a competent manner**

- O1.1 Activities undertaken by the applicant at the premises must be carried out in a competent manner. This includes:
- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### **O2 Maintenance of plant and equipment**

- O2.1 All plant and equipment installed at the premises or used in connection with the activity of the applicant at the premises:
- a) must be maintained in a proper and efficient condition; and
  - b) must be operated in a proper and efficient manner.

### **O3 Dust**

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

### **O4 Stormwater/sediment control – Construction Phase**

- O4.1 Soil and water management controls must be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).

## **O5 Emergency Response**

- O5.1 The Proponent must maintain, and implement as necessary, a current emergency response plan for the premises. The applicant must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (eg: spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the Environment Protection Licence, the applicant must develop an emergency response plan within three months of that date.

Note: The emergency response plan must deal with flooding.

## **O6 Waste**

- O6.1 The applicant must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O6.2 The applicant must ensure that waste identified for recycling is stored separately from other waste.

## **O7 Other operating conditions**

- O7.1 All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have alternative spill containment system in-place.
- O7.2 All tanks and storage areas for drums and containers that contain material that has the potential to cause environmental harm must be bunded or have alternative spill containment system in-place.

Note: The applicant must comply with the Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2008.

## **MONITORING AND RECORDING CONDITIONS**

### **M1 Monitoring records**

- M1.1 The results of any monitoring required to be conducted by the applicant must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by the applicant must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
  - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
  - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept by the applicant in respect of any samples required to be collected for the purpose of this development:
- a) the date(s) on which the sample was taken;
  - b) the time(s) on which the sample was collected;
  - c) the point at which the sample was taken; and
  - d) the name of the person who collected the sample.

## M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.

### M2.2 Water and/or Land Monitoring Requirements

#### Point 1,2,3,4

Pollutant	Units of Measure	Frequency	Sampling Method
Ammonia as N	Milligrams per litre	Every 6 months	Grab sample
Total Oxidised Nitrogen	Milligrams per litre	Every 6 months	Grab sample
pH	pH units	Every 6 months	Grab sample
Dissolved Arsenic	Milligrams per litre	Every 6 months	Grab sample
Dissolved Cadmium	Milligrams per litre	Every 6 months	Grab sample
Dissolved Copper	Milligrams per litre	Every 6 months	Grab sample
Dissolved Zinc	Milligrams per litre	Every 6 months	Grab sample
PAH	Micrograms per litre	Every 6 months	Grab sample

## M3 Testing methods – concentration limits

M3.1 Subject to any express condition of approval, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4 Requirement to monitor noise

M4.1 To assess compliance with Condition L5.2 attended noise monitoring must be undertaken in accordance with Conditions L5.6 and:

- a) at each one of the locations listed in Condition L5.2;
- b) occur annually during the applicants reporting period as defined by an Environment Protection Licence;
- c) occur during each day, evening and night 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.

## M5 Recording of pollution complaints

M5.1 The applicant must keep a legible record of all complaints made to the applicant or any employee or agent of the applicant in relation to pollution arising from any activity to which activity applies.

M5.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided , a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and

f) if no action was taken by the applicant, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M6 Emergency Contact**

M6.1 The applicant must provide the EPA with a nominated representative of the company that is available at all times and is capable of providing immediate assistance with a response during emergencies or any other incident at the premises. The name of the nominated representative and their contact details, including a telephone number must be current at all times.

## **REPORTING CONDITIONS**

### **R2 Notification of Environmental Harm**

R2.1 Notifications must be made by telephoning the Environment Line Service 131555.

R2.2 The applicant must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The applicant or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

## **SPECIAL CONDITIONS**

### **E1 Water Quality Management System Effectiveness Monitoring**

E1.1 The Proponent must undertake monitoring and reporting of the effectiveness of the Surface Water Quality Management System within the first year of operation of the approved activity. The monitoring and reporting must be undertaken by an appropriately qualified person. The report must be provided with the first Annual Return submitted to the EPA.

1. The monitoring must include, but not be limited to;
  - a) sampling and analysis of the pollutants identified in the Table 1 below in accordance with Special Frequency 1; and
  - b) include at least one sample collected upstream of the discharge point from the premises, at all locations where water discharges from the premises into the receiving environment and at least one sample downstream of the discharge point from the premises.

2. The location of all sampling sites, including easting and northings, must be provided on a plan of the site prepared by a registered surveyor, and included in the report.

**TABLE 1 Surface Water Quality Monitoring Parameters**

<b>Pollutant</b>	<b>Units of Measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
Oil and Grease	Milligrams per litre	Special frequency 1	Grab Sample
Total Suspended Solids	Milligrams per litre	Special frequency 1	Grab Sample
Total Nitrogen	Milligrams per litre	Special frequency 1	Grab Sample
Total Phosphorus	Milligrams per litre	Special Frequency 1	Grab Sample
pH	pH units	Special frequency 1	Grab Sample

Note: Special Frequency 1 means in the event of a discharge, a grab sample of the water discharged must be collected at the following frequencies:

- a) Within the first 6 hours of any discharge occurring; and
- b) Every seven (7) days thereafter for the duration of the discharge.

Note: Monitoring must be undertaken such that the sample collected from the discharge point(s) at the premises is representative of the waters discharged from the premises to the environment.

3. If monitoring results do not comply with Section 120 of the Protection of the Environment Operations Act 1997, the proponent must include within the report options for upgrade of the water management system and a discussion of how the proponent will comply Section 120.

Note: The EPA will consider the outcomes of the report and Section 45 before undertaking any variations to an Environment Protection Licence which may include surface water quality limits being applied to the identified discharge point(s) at the premises.

**Environment Protection Authority  
March 2013**