RESPONSE TO SUBMISSIONS (RTS)
Cobra Waste Solutions Resource Recovery Facility
30 Loftus Road, Yennora (SSD-9320662)

Prepared for: Cobra Waste Solutions Pty Ltd
Department of Planning and Environment

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1. INTRODUCTION

This report provides a response to submissions for the establishment and operation of a new proposed resource recovery facility to be located at 30 Loftus Road, Yennora (SSD 9320662) and operated by Cobra Waste Solutions. This report responds to comments made by a number of government agencies including:

- Department of Planning and Environment (DPE);
- NSW EPA;
- Cumberland City Council;
- Transport for NSW; and
- Fire and Rescue NSW.

The report also includes the response to objectors. One objection has been received from an anonymous objector in Denham Court, NSW.

The preliminary RtS (Rev1) was issued to the DPE on 30 June 2022 for initial review. The DPE responded via email dated 21 July 2022 requesting an updated RtS addressing items including flooding, water management, noise and vibration, queuing, traffic, wheelwash, the bitumen ramp for fire brigade access and height of stacked empty skip bins. These items have been specifically addressed in Section 2.15 of the RtS and relevant sections updated accordingly.

A revised set of architectural plans are provided as Attachment 1. Revised stormwater plans are provided as Attachment 2.

2. DEPARTMENT OF PLANNING AND ENVIRONMENT

This section addresses the comments raised by the Department of Planning & Environment (DPE). DPE have provided a list of additional information required to finalise the Department assessment. This is addressed in this section.

2.1 GENERAL

- *Provide details of the Applicant's other waste facilities in and around Sydney including location and processing capacity.*

Response:
Cobra Waste Solutions currently operate one resource recovery facility located at 30-32 Bent St, St Marys. This site has operated since 2018 and currently has consent DA16/1337 and holds an Environment Protection Licence (EPL No. 21011) for waste storage of up to 1,000 tonnes at any one time and recovery of general waste not exceeding 10,000 tonnes per year. A development application is currently under assessment with Penrith Council to increase the processing quantity of this site to 24,000 tonnes per annum. This increase in annual processing would be achieved by the design and installation of a new system within the existing building. A combination of new and existing equipment would be used to achieve an arrangement that would improve both the recovery of material and operational efficiencies thereby resulting in increased production rates.

The existing equipment consists of a pre-sort area, trommel screen and conveyors to separate waste streams. The new system includes a pre-sort area, feeder and additional screening equipment (a trommel screen and a flip flow (spaleck) screen) that allows separation of waste materials and aggregates into further fractional sizes, a picking station, two air separators and two magnets for metals separation. The new system would be located within the northern half of the existing building with separated material being captured into bins and bays at certain points in the process. This new system has several advantages:

- Improve the rate of recovery of materials from the current <50% to 75-80% which would result in a reduced percentage of material destined for landfill.

- Improve the production efficiency. The current site operates on average 5 hours per day to process 10,000 tonnes per year. The new equipment is designed to process 15 to 20 tonnes per hour. This will operate on an average of 7-8 hours per day (one shift) to process up to 24,000 tonnes per year without a significant impact on the overall operation of the plant. These increased operational hours are still within the approved hours of operation for the site which are 6am to 6pm Monday to Saturday.

- Result in improved product quality. The new system would enable enhanced separation of material and thus improve the quality of the end product.

Six (6) internal storage bunkers inside the building would be established with concrete bunker walls at the southern end for storage of wood waste, steel, aggregates of varying sizes and the general waste destined for landfill. Additionally there would be storage bunkers and bins located at several points along the process line to capture waste as it is separated from the system. There would be no external storage of waste at the site.

The proposed arrangement and mitigation measures has been designed to improve the operational efficiencies and environmental management of the existing site.

Recent consultation with the EPA and Council during the DA process has resulted in a number of improvements and additional mitigation measures that would be implemented as part of the proposal. These include:

- Sealing of the site with hardstand as follows:
  - Install compacted SFS530 Steel Slag roadbase 150 mm thick for truck manoeuvring area from the weighbridge to the back door of the factory and in the car parking area;
  - Install concrete pavement at the western door of the building, for the disabled car space and around stormwater pits; and
  - Application of compacted SFS530 steel slag roadbase 150 mm thick to act as a hardstand surface in the western external area of the site.
- Install a truck wheel wash at the exit to prevent sediment tracking onto the street;
- Reduce the annual waste quantities down to 24,000 tonnes (a reduction of 6,000 tonnes per annum of the original quantity proposed which was up to 30,000); and
- Install improved filter media in all stormwater pits.

These additional mitigation measures are expected to eliminate sediment tracking, improve stormwater quality and reduce dust generated from the external area of the site.

Documentation to support the above changes was submitted to the planning portal on 14 June 2022.

- *Provide an assessment of the proposal against the relevant consolidated SEPPs.*

Response:
The 45 State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies, most of which commenced on 1 March 2022. The consolidated Housing SEPP commenced on 26 November 2021. SEPPs relevant to the development include:

SEPP (Resilience and Hazards) 2021

This SEPP consolidates and repeals the provisions of the following relevant SEPPs:

- SEPP 33 – Hazardous and Offensive Development (Chapter 3); and
- SEPP 55 – Remediation of Land (Chapter 4).

It is noted that no policy changes have been made and the SEPP consolidation does not change the legal effect of the existing SEPPs, the consolidation is administrative only.

Under Chapter 3 (hazardous and offensive development), the facility will require minor volumes of chemicals and dangerous goods to be stored on site for ancillary purposes and, therefore, is unlikely to trigger the thresholds listed in Chapter 3 of SEPP (Resilience and Hazards) 2021. A Preliminary Risk Screening in Section 8.6.2 of the EIS has been undertaken to confirm this.

The development would not fit the definition of 'potentially hazardous industry' or 'hazardous storage establishment'.

Under Chapter 4 (remediation of land), the proposal requires consideration of whether the land is contaminated, if remediation is required and whether the land is suitable for its intended use.

The site was once part of a larger site operated by Alcoa. The site is not currently listed on the NSW EPA's notified sites as being potentially contaminated (sighted April 2021). Furthermore, the site is not declared as "significantly contaminated" under the Contaminated Land Management Act, 1997 nor is affected by a policy adopted by Council that restricts the development of the land because of the likelihood of land contamination. Numerous contamination investigations have been undertaken over the years and following sub-division, this site was considered suitable for occupation (refer to Section 2.11 of this report). Furthermore, as part of this RtS, a Phase I Environmental Site Investigation has been prepared to specifically address potential contamination at the subject site for this development application with consideration given to excavation required.

Construction and installation of the resource recovery facility would require minor excavation works for the establishment of a 4.6 m wide swale along the southern boundary therefore the proposal would be assessable under *SEPP No. 55 – Remediation of Land*. It is noted that installation of the proposed weighbridges does not require any excavations and/or footings.

The Phase I report concluded that the site is suitable for the intended industrial use and further contamination investigations are not considered warranted. The construction of the swale would be undertaken under a Construction Environmental Management Plan (CEMP). The CEMP would include an Unexpected Finds Protocol and a Construction Waste Management Plan which would require sampling of any soil removed for waste classification purposes.

SEPP (Planning Systems) 2021

This SEPP consolidates and repeals the provisions of the following relevant SEPP:

- SEPP (State and Regional Development) 2011 (Chapter 2)

It is noted that no policy changes have been made and the SEPP consolidation does not change the legal effect of the existing SEPPs, the consolidation is administrative only.

Under Chapter 2, Clause 8 (1) of the *State Environmental Planning Policy (Planning Systems) 2021*, development is potentially State Significant Development (SSD) if it is specified in Schedule 1 or Schedule 2.

Clause 23 (3) of Schedule 1 is relevant to the activities:

> ***(23) Waste and resource management facilities***
>
> 1. *Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that—*
>   a. *has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or*
>   b. *has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or*
>   c. *is located in an environmentally sensitive area of State significance.*

2. *Development for the purpose of waste or resource transfer stations in metropolitan areas of the Sydney region that handle more than 100,000 tonnes per year of waste.*
3. ***Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.***
4. *Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.*
5. *Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.*
6. *Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and—*
    a. *handles more than 10,000 tonnes per year of liquid food or grease trap waste, or*
    b. *handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.*

The proposed development is State Significant as it involves the handling of more than 100,000 tonnes per year of waste.

SEPP (industry and Employment) 2021

This SEPP consolidates and repeals the provisions of the following relevant SEPP:

- SEPP 64 – Advertising and Signage (Chapter 3)

Chapter 3 of this SEPP is not applicable as the Development Application does not include details of signage. Any signage pertaining to building or business identification will be subject to a future application.

SEPP (Transport and Infrastructure) 2021

This SEPP consolidates and repeals the provisions of the following relevant SEPP:

- SEPP (Infrastructure) 2007 (iSEPP) – Chapter 2

It is noted that no policy changes have been made and the SEPP consolidation does not change the legal effect of the existing SEPPs, the consolidation is administrative only.

The proposal is permitted with consent under Chapter 2, Clause 121 of Division 23, Part 3, of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, as reported below.

121 Development permitted with consent

*(1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land **in a prescribed zone**.*

Where:

***prescribed zone** means any of the following land use zones or a land use zone that is equivalent to any of those zones:*

(a) RU1 Primary Production,
(b) RU2 Rural Landscape,
*(**c) IN1 General Industrial,***
(d) IN3 Heavy Industrial,
(e) SP1 Special Activities,
(f) SP2 Infrastructure

***waste or resource management facility** means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.*

***resource recovery facility** means a facility for the recovery of resources from waste, including such works or activities as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from waste gases and water treatment, but not including re-manufacture of material or goods or disposal of the material by landfill or incineration.*

***waste or resource transfer station means** a facility for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.*

The subject land is within a IN1 zone thus is a 'prescribed zone' within the terms of clause 121(1)(c) and the intended use is as a 'Resource Recovery Facility' as defined above, being for the '*…separating and sorting, processing or treating the waste…'*. Therefore, the proposed development is permissible under the *SEPP (transport and infrastructure) 2021* on the subject land.

SEPP (Biodiversity and Conservation) 2021

The planning legislation for the Georges River catchment (GMREP No. 2) falls under Chapter 11 of this SEPP. The 10.7 Planning Certificate states that this Site is subject to flood related development controls. Additionally, the medium and high flood risk applies to the land.

The general aims and objectives of the plan are:

(a) *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*

(b) *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*

(c) *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development*

within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,

(d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,

(e) (Repealed)

(f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.

Comment:
The proposal as designed would support these aims and objectives by undertaking all processes and storage of materials within the enclosed building and implementing stormwater management controls to minimise release of sediments and other pollutants off site.

The specific aims and objectives most relevant to the proposal are "*to identify land uses in the Catchment which has the potential to impact adversely on the water quality and river flows in the Georges River and its tributaries and to provide appropriate planning controls aimed at reducing adverse impacts on the water quality and river flows.*"

Comment:
The proposed land use is for a resource recovery facility. Without appropriate controls, this land use has the potential to impact on water quality. However, the following demonstrates that the proposed development will support the above specific aims and objectives of the plan:

- Incoming waste would be restricted to construction and demolition (C&D) and commercial and industrial (C&I) waste. No hazardous material such as asbestos nor liquid waste would be accepted.
- The facility would be fully enclosed and all processing activities and storage of materials would be within the building. Strictly no external operations.
- Minor quantities of dangerous goods would be stored including oils and greases for the workshop and cleaning chemicals for the office. A 13,000 Litre self-bunded diesel tank would be located on site with spill containment provided.
- All truck loads would be covered when entering and leaving the facility.
- Waste and recovered materials would be stored in designated bunkers or bins within the building.
- No stormwater pits within the building.
- No processes generating wastewater.
- Stormwater management controls would be installed in all stormwater pits and maintained in accordance with an Environmental Management Plan.

The proposed development must adhere to the planning control table under clause 11.8(22) of the plan as follows:

22 WASTE MANAGEMENT FACILITY OR WORKS

Definition
Development for the purpose of waste management facilities or works described in Schedule 3 (Designated Development) to the Environmental Planning and Assessment Regulation 1994.

Planning controls
Development consent required unless on flood liable land, in which case it is prohibited.

Specific matters for consideration
A system is to be required to manage leachate surface controls on the land on which the waste management facility or works is or are proposed.
A site management plan is to be required for the land on which the waste management facility or works is or are proposed.
The likelihood of groundwater contamination.
The adequacy of the proposed leachate management system and surface water controls.
The long-term stability of the final landform and the adequacy of the site management plan.
Where the proposed development involves extraction of material, whether an adverse impact on the Georges River or its tributaries will result.

Comment:
The development constitutes a waste management facility and the land is noted as being flood liable land in the pre-lodgement notes received from Council on 3 May 2021. Therefore, the development is prohibited under the REP. However, this is inconsistent with Chapter 2, Clause 121 of Division 23, Part 3, of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Under Part 2.1, Clause 2.7(1) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, this SEPP prevails as follows:

(1) Except as provided by subsection (2), if there is an inconsistency between this Chapter and any other environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.

Therefore, the development is permissible under the *SEPP (transport and infrastructure) 2021* as previously noted.

The specific matters for consideration listed above are briefly addressed below have been discussed in detail in Section 8 of the EIS.

- Leachate would not be generated by the proposed facility as there would be no waste stored external to the building and therefore no opportunity for water to percolate through the waste. Furthermore, the entire building would be fully bunded and therefore no releases of water (although not expected) from the facility are possible. No leachate system is required.
- A site management plan (environmental management plan) would be prepared to manage all potential environmental impacts associated with the proposed development.
- Groundwater is unlikely to become contaminated as all waste processes and storage would be within the existing building and all surfaces at the site are impermeable.

- The adequacy of surface water controls are addressed in Section 8 of the EIS.
- No extraction of material is proposed.

2.2 OWNER'S CONSENT

- *Provide owner's consent to lodge the development application based on the current EIS.*

Response:
Owner's consent to lodge the DA based on the current EIS is provided as Attachment 3 and has also been lodged on the portal.

2.3 DEVELOPMENT DESCRIPTION

- *The EIS defines the proposed resource recovery facility as a 'General Industry'. Please provide a more accurate assessment of the permissibility of the proposal as a 'waste or resource management facility'. Note: The proposal is also not 'integrated development' as it is a State significant development.*

Response:
It is acknowledged that the proposal is not 'integrated development'.

The proposal is for a "waste or resource management facility" which is defined under the *Holroyd Local Environmental Plan 2013*, and the *Cumberland Local Environmental Plan 2021* as:

> ***waste or resource management facility*** *means any of the following—*
> *(a) a resource recovery facility,*
> *(b) a waste disposal facility,*
> *(c) a waste or resource transfer station,*
> *(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).*

A resource recovery facility is a type of waste or resource management facility as noted in the above definition. "Resource recovery facility" is defined in the LEPs as:

> ***resource recovery facility*** *means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.*
>
> ***Note.***
>
> *Resource recovery facilities are a type of* ***waste or resource management facility****—see the definition of that term in this Dictionary.*

The land zoning for the subject land is described as IN1 – General Industrial under the provisions of the *Holroyd Local Environmental Plan 2013* and the *Cumberland Local Environmental Plan 2021* which now applies to the subject site. The following types of development are permitted with consent on land zoned IN1:

> ***3 Permitted with consent***
> *Depots; Freight transport facilities; Garden centres;* ***General industries****; Hardware and building supplies; Industrial training facilities; Kiosks; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4.*

"General industry" is defined under the LEPs as:

> ***General Industry*** *means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity. -*

Where an "industrial activity" is defined under the LEPs as:

> ***Industrial activity*** *means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming,* ***processing, recycling****, adapting or servicing of, or the research and development of, any goods,* ***substances****, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity. -*

The resource recovery facility includes the processing of waste and is the first step in the recycling process. "Waste" is defined for regulatory purposes under the *Protection of the Environment Operations Act, 1997* as:

> ***waste*** *includes—*
> *(a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or*
> *(b) any discarded, rejected, unwanted, surplus or abandoned substance, or*
> *(c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or*
> *(d) any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or*
> *(e) any substance prescribed by the regulations to be waste.*
> *A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.*

The activities associated with resource recovery facilities include processing and recycling of substances (or waste). This fits the definition of an "industrial activity" carried out within a building which is defined as a "general industry" as shown above. Therefore, the proposed use is permissible with consent.

- *The details provided on other plans relevant to the operations of the development should be consolidated into a single site plan, including:*
  - *Fire safety measures including tank supply and location of Fire Brigade truck parking. These should also be shown on the swept path analysis.*
  - *Fire access road – the difference between the Stormwater Management Drawings at Appendix 8 and the plans in Appendix 4 need to be resolved.*

Response:
Details relevant to the operations of the development are consolidated on the Proposed Site and Floor Plan in the Architectural Plan set, Drawing no. A02. The fire access road has been removed from the stormwater plans. A swept path assessment has been prepared to show a specialised fire appliance parking adjacent to the fire hydrant booster and is provided in Attachment 7.

- *Confirm that the proposed 150,000 tonnes per annum (tpa) is for waste receival rather than total amount of waste recovered.*

Response:
It is confirmed the resource recovery facility would accept (receive) up to 150,000 tonnes per year of construction and demolition (C&D) and commercial and industrial (C&I) waste. Details of waste received and recovered are provided in Table 8-8 and Table 8-9 of the EIS respectively. The facility is expected to recover up to 88% of waste received. It is noted that included in Table 8-9 is the waste that would go to landfill, which is estimated to be 12% of the waste received.

- *Clarify the proposed use of existing roller doors that are not proposed for vehicle use – e.g. will they be used for ventilation?*

Response:
There are four (4) existing roller doors. The two roller doors along the northern side of the building will only be used where necessary for access by service vehicles. This use would be infrequent. There are two existing roller doors along the western side of the building. One of these would be blocked off by a storage bunker and would be locked. The other may be used by service vehicles if necessary. This use would be on rare occasions.

2.4 SITE HISTORY

- *Demonstrate the existing warehouse is in accordance with construction certificate plans as approved by Council or a private certifying authority.*

Response:
The warehouse was constructed in 1981/82 and relevant development consents are DA81/254 and DA82/34. Copies of the consents are provided in Attachment 4. A request was made to Council under the Government Information (Public Access) Act 2009, however the construction certificate plans and occupation certificates for the building were not able to be provided. It is noted that Council advised in an email dated 5 May 2022 that Occupation Certificates were not issued at the time in relation to DA81/254 and DA82/34 under which the existing building was constructed.

- *Provide copies of all development consents relevant to the site and current operations.*

Response:
The subject site is vacant and no operations are currently taking place. The following development consents are relevant to the site. Copies of the development consents are provided in Attachment 4.

Year	DA Number	Description
1981	81/254	Construction of an aluminium remelting facility.
1982	82/34	First floor additions to an existing office/amenities block.
2015	2015/5354/1	Demolition.
2015	15/1824/01	Demolition of industrial buildings on the site.
2015	2015/554/1	Demolition of 16 disused structures on the former Alcoa Site.
2015	2015/582/1	Staged Torrens title subdivision into 9 industrial lots.
2016	16/1326/01	Demolition of structure within Lot 9.
2016	2016/532/1	Demolition and civil works.
2017	2017/12/1 & 2017/12/2	Earth works and flood mitigation work Stage A flood mitigation works – creation of new 'road hump' on former Nelson Road.
2020	DA2020/0144	Installation of freestanding property identification sign.
2020	DA2020/0488	Fire Services Upgrade including installation of a building occupant warning system, new fire sprinkler system and new fire hydrant system.
2021	MOD2021/0084	Section 4.55(2) modification to alter fire services, including the addition of a water tank, provision of an associated pump room, reconfiguration of 2 carparking space and accommodation of 4 carparking space upon the West elevation of the site and the removal of a tree.

2.5 SUITABILITY OF THE SITE

- *The Department raises issues around the suitability of the site and how site suitability has been considered and justified in the EIS. This includes on issues around:*
  - *manoeuvring of vehicles and traffic management within the site including queuing and the reversing of vehicles*
  - *noise and vibration impacts on the adjoining warehouse tenancy*
  - *potential impacts of flooding*
  - *clarity around contamination and implementation of previous RAPs to remediate contamination on the site and how proposed earthworks may interact with any areas of contamination*
  - *effective waste management in accordance with the 'EPA's Standards for managing construction waste in NSW'.*

Response:
The site is considered suitable for the proposed development and consideration given to the issues raised above is discussed in further detail below.

Traffic Management
Traffic management within the site is addressed within Section 6 "Site Access and internal circulation" in the Traffic and Parking Impact Assessment prepared by Stanbury traffic Planning (Appendix 3 of the EIS). Driveway widening to a width of 12.6m is proposed to accommodate the

largest vehicle required to access the site in accordance with AS2890.2:2018. This driveway width would allow sufficient room and clearance for trucks (eg: an MRV and a semi-trailer) to pass or wait on site as one enters and one leaves. Management of truck loads would be undertaken by an Allocator at the weighbridge using a computer program called "Wastedge" which allows the Allocator to manage all truck scheduling, pick ups and deliveries and would ensure that truck queuing and waiting on site is minimal.

Section 6.6 "Internal Circulation and Manoeuvrability" of the Traffic and Parking Impact Assessment provides a detailed discussion of the on-site circulation of passenger and heavy vehicle circulation. Of note is that the heavy vehicle / parking arrangements have been designed to comply with the relevant requirements of AS2890.2:2018. A series of swept path diagrams are included as Appendix 5 of the report and these show the manoeuvring of vehicles to and from loading and parking areas demonstrating that the site design is capable of accommodating the manoeuvring requirements of vehicles required to service the specific site components.

Section 6.6.3.2 "Weighbridge Operation" of the Traffic and Parking Impact Assessment provides an assessment on the ability of the proposed double weighbridge to cater for the proposed number of vehicles. The assessment concludes that the subject development design is considered capable of accommodating the proposed internal circulation arrangements in a safe and efficient manner.

Noise and Vibration

Noise measurements have been undertaken to determine the noise performance of the warehouse wall and to predicted noise levels in the adjacent industrial unit. The predicted noise levels comply with the Noise Policy for Industry Criteria of 68 dB(A) at the adjoining warehouse tenancy. Although not required for compliance it is recommended that the holes in the shared wall between the site and the neighbouring industrial unit be fully closed with steel which overlaps the existing components.

Vibration measurements were undertaken at a similar facility and show the operational vibration impacts on the neighbouring industrial unit have been assessed and shown to be negligible and well below the relevant *Assessing Vibration – A Technical Guideline* (DEC, 2006) criteria.

Flooding

Potential impacts from flooding have been considered (For further details see Section 2.7 below). The flood assessment addresses flood planning requirements and provides detailed flood modelling based on the design and layout of the proposed facility and the most up to date flood information. Extension to the flood protection barrier along the southern boundary of the site and connection of the site's stormwater discharge pit to the existing piped drainage line within the site is proposed. This new swale will not be connected to the existing swale located on the adjacent property. This design would be suitable to mitigate the potential impacts of flooding.

Contamination

The subject site was previously part of a larger Alcoa site until December 2014. During this time, the subject building was part of the INGOT department and the subject building was used for melting and casting of aluminium as well as maintenance. There were also cooling towers located at the rear of the site and underground tanks which have since been removed.

The site has remained inactive since 2014 with the exception of demolition of site infrastructure which commenced in 2016 to enable development and reuse of the site. In 2017 to 2019, the site

was occupied by a logistics company PFM Transport, a 3PL provider for warehousing purposes. Following this, the site was vacated and remains inactive.

The site audit report prepared in 2016 concluded that the site was suitable for commercial/industrial land use. It is noted that the subject site was part of "Area 3 North" of Alcoa Australia Rolled Products, which did not require active remediation following cessation of Alcoa's activities and that no ongoing environmental issues existed at Area 3 north that required implementation of a long-term management plan.

A Preliminary Site Assessment of the subject site has been undertaken to identify areas of potential contamination. The report found no evidence of contaminating activities having taken place. Furthermore, the proposed development only involves minor excavation for stormwater/flood works to establish a new swale on the site. No other excavation is proposed.

Further details on past contamination are provided in Section 2.11 below.

Waste Management

The facility would maintain effective waste management standards in accordance with NSW EPA *Standards for managing construction waste in NSW* (2018). Compliance with the five (5) requirements included in the standard were addressed in Section 3.7 and Table 3-3 within the Waste Management Report Ref: 201156_Waste_Rev3. The development has been purposely designed to enable compliance with the standards. Further details of how effective waste management and compliance with the standards would be achieved is provided as Attachment 5. Wastedge software is proposed to be used to manage truck routes and scheduling, weighbridge activities and record keeping. A brochure detailing the capabilities of the Wastedge software is provided in Attachment 6.

2.6 TRAFFIC AND ACCESS

Two letter responses from Stanbury Traffic Planning address all traffic and access issues raised in this Response to Submissions report and additional email advice from the DPE dated 21 July 2022. The letters are provided as Attachment 7. Commentary has been provided to issues raised below.

- *Provide plans demonstrating how all vehicles likely to be generated during operation (under a worst-case scenario) and awaiting loading or unloading can be accommodated on the site to avoid queuing in the street network including:*
  - *a truck queuing plan indicating that the maximum number of trucks proposed to be on the site at any given time (including awaiting entry to the weighbridge) can be catered for wholly within the site.*

Response:

A revised traffic assessment is provided in Attachment 7. A truck queuing plan is provided in Appendix 5 of this traffic assessment. The queuing plan reflects the worst case scenario of trucks accumulating at the site. As outlined in Section 6.6.3.2 of the traffic report prepared by Stanbury Traffic Planning dated October 2021, the queuing assessment identified a 98th percentile (worst case) queue of 2.7 vehicles (including one on the weighbridge). Conservatively assuming that the weighbridge is vacant, the plan provided shows that three vehicles can queue inside the site behind the weighbridge, with adequate room and as such, no queuing is expected outside the site.

- *Provide proposed internal traffic management measures to manage the reversing of trucks within the site and measures to ensure the prioritisation and safety of pedestrians using the rear carpark.*

Response:
It is proposed that a staff member supervise all trucks reversing into and out of the building to ensure the safety of pedestrians and other vehicles in the car park. This will be documented as part of the OH&S procedures for the site in the operational management plan and is recommended to be imposed as a condition of consent.

- *Parking spaces 6-13 appear to only work if vehicles were permitted to exit through the driveway used for Warehouse A. There is presently a gate which is closed during operation. Please provide evidence to confirm the gate will be controlled by the Applicant and access permitted through the Warehouse A site to ensure these parking spaces can be used. Otherwise, provide swept paths to demonstrate the cars can enter and exit the site in a forward direction.*

Response:
The car park layout has been revised in consultation with the Department of Planning and Environment and is provided in the revised plans shown in Attachment 1.

- *Justify the post-development traffic volume scores of 'C', 'D' and 'F' for Dursley Road, as assessed in the traffic report.*

Response:
Justification is provided is provided below:

During the previously reported traffic surveys in June 2021, the previously approved warehouse / factory development on the subject site was closed. The site has 419 m^2 of office space and 4,142 m^2 of warehouse / factory space.

Based on standard traffic generation rates and conservatively assuming 100% warehouse use rather than the higher traffic generation of a factory use, when operational, the existing site as a warehouse could be expected to generate up to 29 trips in the road network peak hour. A review of Nearmap aerial imagery indicates that the site last operated in early 2019 and a capture from Sunday 29 December 2018 shows 17 trucks parked on-site.

The proposed development is expected to generate 21 trips in the AM peak road network peak hour and 16 trips in the PM road network peak hour.

Had the subject site been operating as per the previously approved site use as 100% warehouse, then this level traffic would have already been on the road network and recorded and accordingly there would be a higher level of base traffic.

The proposed use is expected to be less 'traffic intense' in the road network peak hours than a standard warehouse development that was previously approved and operational on the site.

In relation to the port-development traffic volume score of 'F' for Dursley Road, this has been addressed by undertaking additional SIDRA modelling of the junction of Fairfield Road / Dursley

Road. Results indicate that "for the east approach and total intersection delay, the proposed development is expected to have less impact that a standard warehouse development."

The existing delays on Dursley Road could potentially be ameliorated by adjustment to cycle or phasing times, which would be subject to discussion between Council and Transport for New South Wales as this is an existing issue and not a result of the proposed development. The proposed development generates less than a standard warehouse use and any condition which requires alteration to existing infrastructure is unreasonable.

- *Provide a swept path diagram and assessment of any potential conflict of trucks using the main site access of the Yennora Distribution Park at Loftus Road.*

Response:
Revised swept path diagrams and assessment of potential conflict of trucks using the main site access of the Yennora Distribution Park at Loftus Road are provided in Appendix 5 of the revised traffic assessment as shown in Attachment 7..

2.7 FLOOD ASSESSMENT

Note: An addendum to the flood assessment due to the revised carparking layout is provided in Attachment 8 along with the detailed flood assessment.

The site is identified as a Flood Control Lot affected by the 1% Annual Exceedance Probability (AEP) flood. The following additional information is required:

- *Provide a detailed flood assessment which assesses the potential impacts of flooding. This should include a site plan overlaid on relevant flood extent maps to show the relationship between the building and storage areas and the flood and flood fringe zones.*

Response:
A detailed flood assessment is provided as Attachment 8. The hydrologic (DRAINS) and hydraulic (TUFLOW) models that were developed as part of the *Holroyd City LGA Overland Flood Study* (L&A, 2017a) and subsequently updated as part of L&A, 2017b were used as the basis for undertaking a flooding investigation for the proposed facility. The scope of the assessment was to assess the flood related impacts of the proposed facility and in particular address the requirements set out in the letters relating to the SSD-9320662:

- DPE's letter to Cobra Waste Solutions Pty Ltd dated 13 April 2021
- Council's letter to DPE dated 8 April 2022.

Section 3 of Attachment 8 describes the approach that has been adopted to undertake a detailed flood assessment of the potential impacts of flooding associated with the proposed facility. Figure 2 shows the site layout, as well as the indicative extent and depth of inundation during a storm with an Annual Exceedance Probability (AEP) of 1% (1 in 100).

- *Provide drawings of the proposed flood protection barrier as approved under DA2017/12 and confirm the barrier has been included in the flood modelling.*

Response:
Drawings related to DA2017/12 are provided in the construction certificate in Attachment 4. Attachment 8 describes how the flood protection barrier is to be incorporated into the flood model that has been developed to define flood behaviour in the vicinity of the proposed facility.

Included in the flood assessment in Attachment 8: Annexure F contains a copy of the stormwater management drawings prepared by Intrax on behalf of Cobra Waste Solutions that show the proposed layout of the flood protection barrier as approved under DA2017/12. Section 3 describes how the flood protection barrier has been incorporated into the flood model that has been developed to define flood behaviour in the vicinity of the proposed facility.

- *Confirm the material storage areas including skip bins area are at least 500mm above the relevant flood level.*

Response:
This is confirmed in Section 5 of the flood assessment (Attachment 8) and relevant sections are summarised below.

Proposed Resource Recovery Facility:

- *As noted in the preceding general discussion, the Proposed Northern and Southern Flood Protection Barriers, as well as the Proposed Interim Flood Protection Barrier would provide a minimum 0.5 m freeboard to the adjacent peak 1% AEP flood levels. The proposed flood protection barriers would therefore protect the Proposed Warehouse Facility up to the Flood Planning Level (FPL) in accordance with the flood related controls set out in Section 8 of Holroyd Development Control Plan 2013.*
- *The peak 1% AEP flood level within the section of Loftus Road that is not located adjacent to the Proposed Northern Flood Protection Barrier is RL 14.7 m AHD, which is more than 0.5 m below the floor level of the Proposed Warehouse Facility of RL 15.27 m AHD.*

Proposed Refuelling Zone and Bin Storage Area:

- *The peak 1% AEP flood level adjacent to the Proposed Refuelling Zone and Proposed Bin Storage Area is RL 14.63 m AHD.*
- *In accordance with Council's and DPE's requirements set out in Table 1, material and bin storage areas would need to be located a minimum 0.5 m above the peak 1% AEP flood level. It is noted that the civil plans in Annexure F show:*
  - *the kerbing around the Proposed Refuelling Zone would be set at a minimum elevation of RL 15.13 m AHD; and*
  - *the Proposed Bin Storage Area is at a minimum elevation of RL 15.2 m AHD.*

Based on the above, the proposed works would provide the required 0.5 m freeboard to the peak 1% AEP flood level.

- *Confirm no structures will encroach into any drainage easement for flood mitigation.*

Response:
Annexure F of the Flood Assessment (Attachment 8) contains a copy of the proposed site layout plan, which shows that no structures are proposed within the easement for flood mitigation works (denoted F2) that runs along the southern boundary of the site.

- *Confirm the design and layout is informed by the most up to date flood information.*

Response:
Section 3 of Attachment 8 describes how the flood modelling on which the design and layout of the proposed facility is based has been updated to take into account available information and recent developments in its vicinity.

2.8 WATER MANAGEMENT

- *Provide details of the inter-allotment drainage system constructed as part of the subdivision of the Alcoa site including discharge points and any treatment and including how it discharges to Prospect Creek.*

Response:
Details of the inter-allotment drainage system are provided in Attachment 8. The letter details the drainage system and the figures show discharge points and how the drainage system discharges to Prospect Creek.

The stormwater discharge from the site has been redesigned to be directed into the existing pipe drainage line and not into the existing swale located on the adjoining property. Revised stormwater plans in Attachment 2 provide details of this arrangement.

- *The EIS suggests the evaporation rate expected would be greater than the water expected to be created from the wastes and the misting system. Please clarify if the evaporation rate used is derived from evaporation within a building or outdoors.*

Response:
The evaporation rate used was based on the mean annual average evaporation rate for Sydney which is 3 mm per day. This is for outdoors. Regardless, the misting system proposed contains nozzles which discharge an ultra fine mist and the system includes a high pressure pump and timer that allows cycles to be adjusted. The misting system can therefore be run on and off for short periods during dust generating operations. As the water droplets are so fine, they evaporate quickly preventing any wetting from occurring.

- *A wheel wash is to be provided on site to ensure contaminants are not tracked onto Council's roads. The location of the wheel wash is to be shown on the proposed site plan(s).*

Response:
A PR100 Mobile Truck Wheel Wash System to be located at the end of the exit weighbridge has been included in the proposal as requested by DPE and is shown on the revised architectural plans. This system removes potentially hazardous contaminants that build up on tyres, wheels and axles and on the underbody of heavy vehicles. The system is suitable for waste management operations and includes high pressure water sprayers, sludge collection and is designed to wash a high volume of heavy vehicles throughout the day.

The unit is fitted with entry and exit ramps for heavy vehicles, automatic sensors to turn on the high-pressure water jets and a water recapture and reuse system. The unit includes a water tank volume of 2,500 Litres and is capable of washing up to 200 vehicles per day.

Further details can be found at: https://www.prwater.com.au/equipment/mobile-truck-wheel-wash/

The sludge collection tank would require regular servicing which will be undertaken by a licensed waste contractor.

- *Provide additional justification why a leachate management system is not required to convey and collect internal leachate run-off from the wastes caused by wet loads, misting and dust suppression.*

Response:

There will be no leachate. With the exception of empty skip bins, all materials would be stored within the building. Dust suppression would be provided in the form of a misting system which as described above would not create any water. The droplets are ultra fine and evaporate before hitting the ground.

"Leachate" is defined under the NSW EPA Environmental Guidelines: Solid Waste Landfills, Second Edition 2016 as:

> ***Leachate:*** *the liquid that passes through, or is released by, waste. It arises from the inherent moisture content of the waste and from rainwater (and sometimes groundwater) percolating through or contacting the waste mass. Leachate may contain high levels of dissolved solids, ammonia, organic matter, and sometimes metals and other pollutants. These levels are typically well above background levels for undisturbed or slightly disturbed groundwater and surface water systems. The levels are also well above national quality guidelines for drinking water and other beneficial reuses of water.*

In this case, there would be no external waste storage or stockpiles. All waste would be received in covered trucks, unloaded, processed and loaded within the enclosed building. All storage of waste would be within the building, therefore rainwater penetration would be negligible and leachate would not be generated.

Wet loads may be accepted from time to time. Front lift bins have lids to prevent water accumulation. Additionally, tarps can be provided to customers to prevent rainwater entering the skip. The facility does not accept liquid waste, therefore if there is substantial liquid within the skip bin, this cannot be accepted and would need to be transported to a facility licensed to accept liquid waste.

Furthermore, the entire building would be bunded and should wet loads create water puddles, this water would be prevented from leaving the building and can be cleaned up by personnel on site and sent to a facility approved to accept this waste. The volume of water contained within wet loads is expected to be insignificant, however as a contingency measure, vacuum trucks could be hired to suck up any water that may accumulate in the building.

Upgrades to the stormwater system will be installed to capture surface water on external hardstand areas. This has been designed to manage pollutant loads and meet required Council targets.

- *Confirm if rainwater tanks and/or a private recycled water main fronting the site will be utilised for the misting system and provide justification for any reliance on potable water.*

Response:
There are no proposed rainwater tanks. Water use is limited to the water misting system and office and amenities. Mains water is required for dust suppression to avoid potential contamination issues. The water misting system contains ultra fine spray nozzles that require clean water to prevent clogging. The need to use rainwater tanks is unwarranted as water requirements for the operations would be minimal. The private recycled water main will not be utilised for the proposed development.

- *Provide reasons for not installing an onsite detention basin to control stormwater runoff, as requested by Cumberland Council in their pre-lodgement advice under cover of letter dated 3 May 2021.*

Response:
There are no proposed changes to the building, no additional structures or hardstand areas, therefore no need to reconfigure the stormwater flows. The swale design of the rear of the site is for flood mitigation purposes to direct flood waters away from the building as they arise. Therefore an on-site detention basin is not required to control stormwater runoff.

- *Provide a breakdown of water and wastewater usage details as requested by Sydney Water in their letter dated 19 July 2021 (EIS Attachment 2).*

Response:
Water use for the proposed facility is limited to office and amenities, the truck wheel wash system and dust suppression. A misting system would be installed which emits ultra fine droplets of water that evaporate within seconds. This would require a low volume of water (approximately 1,920 Litres per day). The truck wheel wash would include a water recapture and reuse system and would require freshwater top up to compensate for evaporation.

No wastewater would be generated and a tradewaste agreement is not required.

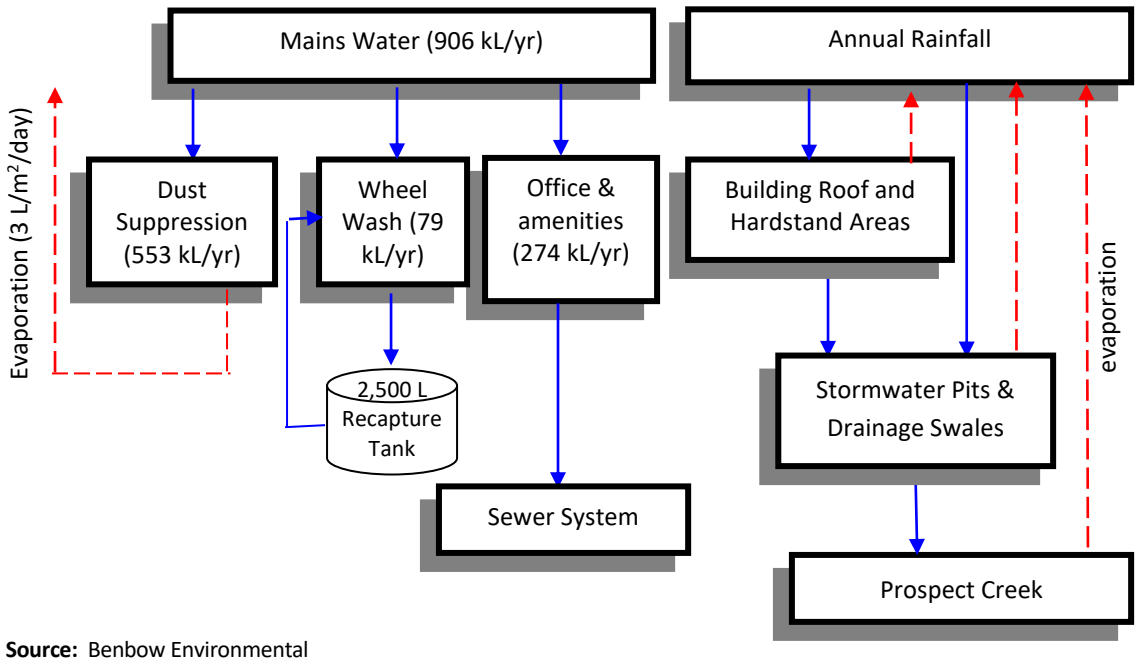
A breakdown of water and wastewater usage details was provided in Section 8.3.2.1 of the EIS and has been amended to include freshwater top up for the truck wheel wash. This is based on 84 trucks exiting the site per day for 6 days per week with a refill requirement of 3 L per truck.

The following are estimated daily and annual water requirements:

Office use:	951 Litres per day (274 kL/yr)
Dust suppression:	1,920 Litres per day (553 kL/yr)
Truck wheel wash top up:	252 Litres per day (79 kL/yr)
TOTAL water requirement:	3,123 Litres per day (906 kL/yr)

Figure 2-1 displays a simple site water balance for the development.

Figure 2-1: Site Water Balance



Source: Benbow Environmental

Benbow Environmental
25-27 Sherwood Street,
Northmead NSW 2152

2.9 AIR QUALITY

- *The proposal does not include a dust and particulate extraction system, rather, natural ventilation including all doors open between 6am and 6pm is proposed. The Noise Impact Assessment at Appendix 2 includes the following management measures for noise: "Fast acting roller shutter doors to be installed and programmed to be closed when not in use." This mitigation measure is contrary to the statements in the AQIA – please clarify.*

Response:
The Noise assessment modelled "External vehicle truck movements are proposed to occur from 6am-6pm. Therefore the rear roller shutter doors were modelled open 100% of the time during the daytime scenario and closed 100% of the time during evening and night-time scenarios" and as a result recommended fast acting automatic roller shutter doors be installed to minimise noise impacts on neighbouring industrial premises as the dominant source is noise from the open roller shutter doors during the daytime.

The air assessment modelled all doors on the building are assumed open 100% of the time between 6am-6pm Mon-Sun and showed compliance with the NSW EPA criteria with no additional days of exceedance.

These are not contrary outcomes. The roller doors during the day are not required by the Air assessment to achieve compliance for dust impacts but are recommended by the Noise assessment to achieve compliance for noise impacts.

As outlined in Section 6.3.1 of the air quality assessment "Enclosure (2-3 walls)" will give a reduction factor of 0.1, or 90%. Therefore, with the recommendation of the Noise Impact

assessment, the dust impacts would be less than that modelled. This was not included in the air assessment as only the mitigation measures necessary for dust control were assessed.

- *Explain how a safe workplace can be maintained within the building operating in a closed environment without an air extraction unit or otherwise provide details of the air extraction system and include this in the noise assessment.*

Response:
The types of materials to be processed through the facility consist of inert dry material and the most efficient method of controlling dust is as it is released at the source using fine water atomising nozzles. Dust suppression water misting sprays with these specifically designed nozzles would be used within the building and placed at locations where dust is generated. These create an ultra fine mist which cause dust particles to fall from the air. Any dust generated would be removed from the air by controlling this at the source using the water misting system. This system would be used in place of an air extraction unit.

Passive or mechanical ventilation of the building will be required to comply with requirements of the Building Code of Australia and SafeWork indoor air quality requirements for the health and safety of workers. Details of building ventilation will be provided prior to Construction Certificate stage and would be adequate to maintain a safe workplace environment.

In addition appropriate personal protective equipment (PPE) would be supplied to all employees working on the floor. An Occupational Health assessment is recommended to be conducted after the commencement of operations to confirm the conditions within the building meet the requirements of a safe working environment.

- *Page 8-21 of the EIS suggests 2,600 tonnes of waste would be stored in the building, however the Air Quality Impact Assessment (AQIA) is based on a storage capacity of 1,500 tonnes of waste. Please clarify and ensure the AQIA is based on the maximum amount of waste proposed to be stored expressed in tonnes and cubic metres.*

Response:
The EIS is correct. Due to the varying density of the waste to be stored, the assumption under Clause 42(4) – Waste Storage of Schedule 1 of the POEO Act which states: *For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram*. Therefore, a maximum of 2,600 tonnes of waste would be stored within the facility at any one time.

Section 2.4 of the AQIA refers to 2,600 m^3 which is correct. Section 7 of the AQIA refers to 1,500 tonnes which is an error, the correct amount is 2,600 tonnes. However, the amount of waste storage does not affect the outcome of the assessment as storage/stockpile emission rates are based on area.

- *Provide reasons why no air quality measurements have been undertaken specifically for this project as indicated on page 18 of the AQIA.*

Response:
No measurements of ambient air quality have been undertaken for this assessment because it is unnecessary onerous for a proponent to conduct and in the experience of Benbow Environmental it has not previously been an expectation of regulatory bodies. The exception being usually sites that are significantly rural where NSW EPA monitoring data is not available.

Background ambient data would require at least 12 months monitoring to be representative. The equipment and maintenance necessary to monitor and record the data to a sensitivity of 24-hour intervals at a minimum for $PM_{2.5}$ and PM_{10}, would require a significant expense to the proponent and simultaneously be an inefficient use of resources, especially when considering that the NSW EPA has valid data available from a location just 8km away.

The variation between the site and the air monitoring station located 8km away is not expected to be significant.

- *Justify use of 2017 background levels to measure against increments for PM_{10} and $PM_{2.5}$.*

Response:
The 2017 was selected as it is contemporaneous with the selected most representative year for meteorological impacts at the location.

- *Confirm that the AERMOD air dispersion model that is accepted in Victoria is also accepted by the NSW Environmental Protection Authority (EPA).*

Response:
It is in the general experience of Benbow Environmental that AERMOD is an accepted air dispersion model by the NSW EPA. We have had a significant number of AERMOD air quality assessments reviewed by the NSW EPA and accepted. AUSPLUME v. 6.0 is the approved dispersion model for use in most applications in NSW in the NSW EPA Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales. AUSPLUME was last updated in 2004. AERMOD is considered a more acceptable model in the industry as it is routinely updated by the USE EPA and uses advanced algorithms to take into account impacts that cause the plume to behave in a non-gaussian manner. AERMOD is considered to be more conservative than dispersion model CALPUFF (also recommended in the approved methods) as demonstrated in Generic Guidance and Optimum Model Settings for the CALPUFF Modeling System for Inclusion into the 'Approved Methods for the Modeling and Assessments of Air Pollutants in NSW, Australia' .

- *Explain how the use of Reduction Factors in the* Emission Estimation Technique Manual for Concrete Batching and Concrete Product Manufacturing *(NPI DEH 1999) in the AQIA is appropriate for a waste recovery facility.*

Response:
In general, there is a limited quantity of available quality data for air emissions and reduction factors. As such, wherever a directly applicable data is lacking we must use the next most appropriate available. The use of the materials handling and materials storage reduction factors within this NPI EETM is considered applicable to this assessment as the materials are similar in

nature to those handled and stored at concrete batching plants (aggregates and fines). It should be noted that these reduction factors are similar to those used in the NPI EETM of other industries such as mining.

2.10 NOISE

- *Ensure the overall L_{Aeq} levels for noise sources in Table 7-1 of the noise assessment are activity-based and not based only on machine/engine noise and revise the assessment for all receivers based on the updated noise levels.*

Response:
L_{Aeq} levels for the noise sources have been taken from Benbow Environmental's database of sound power levels calculated from recorded measurements of machinery undertaken when being used for their intended purpose (activity based). Further revision of the assessment is not deemed necessary.

- *Clarify the lack of differentiation between the background noise levels for different residential receivers.*

Response:
All sensitive receivers used are located within a range of 520 m to 940 m from the site. All sensitive receivers are located in an urbanised setting and border the industrial area of Yennora with some being adjacent to the industrial area to a maximum of 200 m away. These distances are short enough that the residential receivers experience very similar background noise levels with influence from the industrial area and associated traffic. All of the residential areas used for sensitive receivers have a similar density of housing with green areas and parks scattered amongst them. Background noise levels had the noise logger been located elsewhere are not expected to be lower than the recorded levels used in the noise impact assessment. The more stringent night criteria was found to be the same in both the project intrusiveness noise level and the project amenity noise level, providing a conservative approach to the project noise trigger levels.

- *Clarify the amount of time roller doors will be open for truck access and associated increase in noise emissions and include an assessment of noise from any air handling systems which may be required when the roller doors are closed.*

Response:
The noise assessment has been revised, scenario 2 shows the fast acting roller doors in use that are shut 66% of the time which achieves compliance at all receivers. This is considered feasible as a maximum of four trucks are predicted per 15 minutes across the two rear doors and includes the truck entering and exiting. This would mean the doors could be open for up to 5 minutes each which is more than enough time for a truck to pass through the door. Additionally, the truck numbers are a worst case scenario and this frequency is expected to be much less and therefore the doors closed for longer.

No air handling systems will be required therefore additional assessment is not warranted.

- *Provide an assessment of the potential indoor noise and vibration impacts on the occupants of the adjoining warehouse (Warehouse A) including the following:*
  - *Establishment of a satisfactory criteria for industry using AS 2107*
  - *Vibration impacts including on human comfort, cosmetic and structural building damage with reference to* Assessing Vibration: a technical guideline *(February 2006) by Department of Environment and Conservation*
  - *Mitigation measures (e.g. spring loaded machinery, acoustic insulation of party wall)*

Response:
This is addressed in section 7.4 of the revised noise impact assessment (201156_NIA_Rev5 in Attachment 12). Noise measurements have been undertaken to determine the noise performance of the warehouse wall and to predicted noise levels in the adjacent industrial unit. The predicted noise levels comply with the Noise Policy for Industry Criteria of 68 dB(A) at the adjoining warehouse tenancy. Although not required for compliance it is recommended that the holes in the shared wall between the site and the neighbouring industrial unit be fully closed with steel which overlaps the existing components.

Vibration measurements were undertaken at a similar facility and show the operational vibration impacts on the neighbouring industrial unit have been assessed and shown to be negligible and well below the relevant *Assessing Vibration – A Technical Guideline* (DEC, 2006) criteria.

Figure 2-2: Internal common wall

2.11 CONTAMINATION

- *Provide the Remedial Action Plan and Site Audit Statement and Report for the site or former Alcoa site detailing the site is suitable for industrial use and any ongoing management measures or any insitu contamination.*

Response:
The Site Audit Report undertaken by Enviroview Pty Ltd in 2016 is provided as Attachment 9 of this RtS. The Remedial Action Plan (RAP) referenced below was prepared by ERM and is discussed in Section 8 of the Site Audit Report. A copy of the RAP was not able to be obtained.

> *Environmental Resources Management Australia (ERM). Remedial Action Plan, Area 3 North and Area 3 South, Former Alcoa Facility, Kiora Crescent, Yennora, NSW. (Report ref.: 0294696_R04). 29 September 2015. (ERM, Sept 2015c)*

The subject site formed part of the ingot area and is located in the "Area 3 North" of the old Alcoa site which is a small 0.4 hectare area within the 13.3 hectares of Area 3 North. It is noted that the Site Audit Report relates to Area 3 North. This is shown on the following figure.

Figure 2-3: Subject site within Area 3 North of the old Alcoa site

Source: Enviroview Pty Ltd (2016)

↑N Not to scale	LEGEND: Area 3 North Subject Site	Benbow Environmental 25-27 Sherwood Street, Northmead NSW 2152

Alcoa ceased operations in December 2014. The site remained inactive since that time with the exception of demolition of site infrastructure which commenced in 2016 to enable development and reuse of the site. In 2017 to 2019, the site was likely occupied by a logistics company, PFM Transport – a 3PL provider, for warehousing purposes. Following this, the site was vacated and remains inactive.

Section 8.4 of the Site Audit Report states the following:

"Active remediation and validation were not proposed for the site therefore the consultant (ERM, Sept 2015c) did not provide remediation criteria or a validation program. Documentation however was prepared to demonstrate that the actions proposed in the RAP have been completed. As discussed in Section 8.3.2 each of these actions have been completed."

Furthermore, In Section 8.5 of the Site Audit Report, it notes that as active remediation was not proposed, the RAP identified situations where a remediation-related contingency plan may be triggered would be:

- In relation to an unexpected find;
- A contaminant of concern not previously considered; or
- A known contaminant identified in an unexpected area.

In such situations, this would be managed in accordance with an Unexpected Finds Procedure. This would be provided in the Construction Environmental Management Plan to be prepared prior to issue of the construction certificate.

Section 8.8 of the site audit report states:

"In the Site Auditor's perspective, with respect to Area 3 North only (the subject of this Site Audit), the investigations conducted to date have not revealed environmental contamination at the site that is sufficiently significant to require remediation, and the risk assessments have not identified an unacceptable human health or ecological risk. Remediation was not required for Area 3 North – as concluded in the RAP. The RAP was prepared, in part, to fulfil a condition of the Environmental Protection Licence for the site."

The site audit statement refers to an Environmental Management Plan prepared for the site. However, it is noted on page 58 that legal enforceability of the EMP is not necessary with respect to Area 3 North as there are no ongoing environmental issues at Area 3 North that require implementation of a long-term management plan. A copy of the EMP was requested from Council, however it was advised that no copy could be located.

The site audit report concludes "in the opinion of the Site Auditor that the site is suitable for commercial/industrial land use."

- *Provide a site- and project-specific contamination assessment including consideration of the location of the proposed earthworks for the weighbridges and swale relative to any areas of insitu contamination and having regard to SEPP (Resilience and Hazards) 2021 and any Council Contaminated Land Policies.*

Response:
It should be noted that no earthworks is required for installation of the weighbridges. Proposed weighbridges are portable and require no traditional foundations for installation.

A Preliminary Site Investigation (PSI) was undertaken for the subject site including consideration of the proposed earthworks for establishment of the swale and is provided as Attachment 10.

2.12 FIRE SAFETY

A qualified fire engineer has reviewed the design of the development and prepared a Fire Safety Study which is provided as Attachment 11.

- *Provide a comprehensive analysis of the proposal including the existing and proposed fire safety measures against the "Fire Safety in Waste Facilities". This should include a justification of stockpile size, fire suppression system, firewater supply and hydraulics and fire separation.*

Response:
This is provided in Sections 5, 6 and 7 of the Fire Safety Study in Attachment 11. It should be noted that bunker walls will now be constructed of masonry (concrete) and not structural steel. This is shown in the revised Architectural plans in Attachment 1.

- *It is unclear whether the fire safety upgrades detailed in Attachment 4 are adequate for the use of the building as a waste facility as they appear to have been provided for the use of the building as a warehouse only.*

Response:
Fire safety systems and protection measures required for the proposed development are detailed in the Fire Safety Study in Attachment 11. These measures would be implemented in consultation with Fire and Rescue NSW.

- *Please explain why firewater bunding is not provided to the eastern side of the warehouse and externally.*

Response:
Fire water containment bunding has been provided to ensure the entire building is bunded including the eastern side of the warehouse, as shown in Figure 2-4(eastern wall bunding shown in red).

The requirement for firewater run-off containment is stipulated in Section 7.9 of NSW Fire and Rescue's Guideline, Fire safety in waste facilities. This containment needs to include:

- A net capacity not less than the total hydraulic demand of installed fire safety systems (net discharge of water from both fire hydrant system and sprinkler system);
- Wholly incorporate any external quarantine area;
- An impermeable base;
- Secondary/tertiary facilities such as impermeable bunds, storage lagoons or isolation tanks as appropriate to the facility;
- Any necessary pollution control equipment such as stormwater isolation valves.

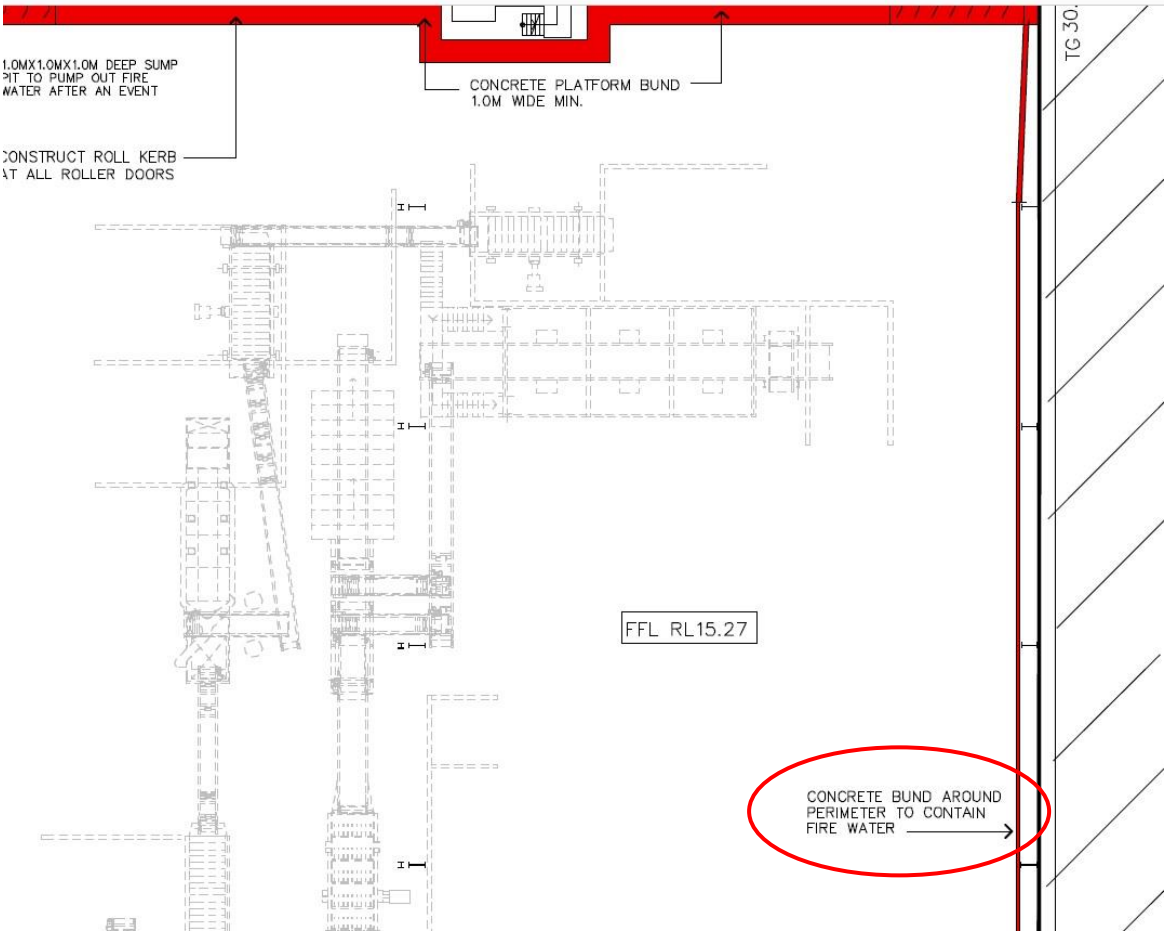
The building bunding would provide capacity to capture 450 m^3 of fire fighting water.

In addition, an isolation valve would be provided to the stormwater discharge point which will allow capture of any contaminated fire fighting water within the underground pipeline and pavement areas should this overflows the building bunding. With the shut off valve at the last pit, once the pipes are full, the water will overflow from the kerb-inlet pits and spill over on the pavement area. The water would be contained by the existing concrete kerbs that are 150 mm

high and a speed hump across the front entry point. Should a fire occur, the building bunding as designed would hold 90 minutes of fire fighting water with all fire water being used at full load. With the stormwater isolation valve closed, the pipe and pavement area would provide capacity to hold more than an additional 60 minutes of fire water. Architectural Plan A08 has been revised to include the location of the shut-off valve and pavement area able to capture additional fire water runoff.

Vacuum tankers from nearby facilities such as Enviro Waste Services at Yennora, Sydney Waste Services at Smithfield, Cleanaway at Sydney Olympic Park or iTreat at Pendle Hill can be called upon in an emergency to attend the site and suck up excess water generated which would be taken to a licensed liquid waste treatment facility

Figure 2-4: Excerpt of A08 showing bunding along eastern wall of building.



2.13 WASTE MANAGEMENT

- *Provide plans showing the storage of skip bins within the skip bin area including the quantity of bins to be stored and if they will be stacked and/or covered.*

Response:
The revised Proposed Site and Floor Plan A02-J provided in Attachment 1 shows storage of skip bins in the skip bin area. Various sizes from 2 m^3 to 10 m^3 are shown and it is estimated that 70-80 bins can be stored in this area when stacked. Bins are able to be stacked to a height of 3.5 m. The bins would be empty and therefore covers are not necessary.

- *Identify typical sources of waste by geographic area and industries and provide the final dispatch locations for processed wastes.*

Response:
Typical waste sources by geographical area and industry have been listed below. The facility would have some contract-based services for certain industries, and provide a service for C&D waste to the public for renovations and other construction/demolition work in the Sydney area. Therefore this table provides a guide for what could be expected only.

Source of Waste	Industries	Geographical areas
C&I	Manufacturing	Sydney Metro and outer suburbs
C&D	Construction industry	Sydney Metro Area and outer suburbs including west to Blue Mountains, Wollondilly, south to Camden, Campbelltown, Sutherland Shire and north to Hawkesbury, Hornsby, The Hills Shire, Northern Beaches.
	Home renovations	

Final dispatch locations for recovered wastes include:

- Aggregates and fines – Concrete Recyclers / ANL
- Ferrous and non-ferrous metal – Sims Metals / Sell and Parker
- Cardboard and paper – Visy
- Copper Electrical wire and cable – Sims Metal / Sell and Parker
- Wood – Boral, Borg and ANL
- Plasterboard and gyprock – REGYP Kurnell
- Plastic – Suez, Veolia, Bingo
- Non-recyclable – SUEZ - Bingo

- *Provide how often the waste in the non-conforming waste bunker would be removed from the site and a dispatch location.*

Response:
Receipt of non-conforming waste is not expected to be a regular occurrence. On the off chance that non-conforming waste is inadvertently received, the incoming waste procedure would be followed to ensure the correct management of this waste. If the waste type is known e.g.: asbestos, waste tyres etc. this can be removed from site on the same day. However, if the waste classification is unknown, appropriate control measures would be put in place for safety and a

qualified consultant would be engaged to sample and analyse the waste to determine its classification and appropriate destination. An incoming waste procedure is included as Section 5 of the Waste Management Report that deals with this situation. This procedure would be reviewed and revised to ensure management of waste is in line with relevant guidelines and legislation and would be implemented as part of the site's Environmental Management Plan.

2.14 CONSULTATION

Due to the timing of the project, the assessments commenced in late 2020 and consultation inadvertently took place in May 2021 following the securing of the site. Due to the COVID restrictions and NSW lockdown in June to October 2021, face to face consultation and meetings were not possible at that time. Consultation undertaken for the project is described in Section 4 of the EIS.

- *Please advise on the nature and extent of consultation with the tenant in the adjoining warehouse (Warehouse A).*

Response:
A detailed community information leaflet was distributed via mail or email to the surrounding industrial, commercial and residential properties. This included the adjoining tenant in Warehouse A. The leaflet included contact information for Benbow Environmental including a phone number or email address options so that those interested could obtain further information or discuss the project. There was no further discussions with the tenant in Warehouse A.

- *Provide a summary of responses from community stakeholders (if any) and details of how the proposal has responded to any issues raised by the community.*

Response:
A detailed community information leaflet was distributed via mail or email to the surrounding industrial, commercial and residential properties on 4 May 2021. This included 57 residential properties, 3 schools/early learning centres and 12 industrial/commercial properties. The leaflet included contact information for Benbow Environmental including a phone number or email address options so that those interested could obtain further information or discuss the project. No enquiries were received and no issues were raised by the community.

Details of the consultation leaflet and a list of the properties is provided in Section 4 and Attachment 3 of the EIS.

- *Provide details of approach for proposed future community and stakeholder engagement.*

Response:
Future community and stakeholder engagement would be undertaken as part of the Site's Environmental Management Plan. This would include:

- Set up of a telephone complaints line and advertising this on the website;
- Identification of all stakeholder and community groups with interest in the facility;
- Notification in writing of commencement of each phase of the development to all stakeholder and community groups;
- A complaints procedure that details how to respond, notification requirements and follow up actions to be taken if such an event were to occur.

- A pollution incident response management plan would be implemented detailing the potential pollutants, hazards and risks, notification requirements, response actions and reporting in accordance with the EPA guidelines.
- Preparation of any management plans (Air Quality Management Plan, Noise Management Plan, Stormwater Management Plan, Traffic Management Plan etc.) and any updates required in consultation with relevant regulatory authorities.
- Undertaking of any compliance monitoring in consultation with the affected community. Any consultation would be undertaken in accordance with relevant management and monitoring plans as approved by the DPE.
- Submission of EPA annual return documents.

Cobra also engages with the local community by providing sponsorship to local sporting clubs and supporting a range of charities.

2.15 ADDITIONAL ADVICE

Additional advice was provided from the DPE in an email dated 21 July 2022. Response is provided below:

Flooding

- *The Department notes that the final flood assessment, using correct levels at the site frontage, is pending completion of investigations by the flood engineer.*
- *The Department cannot accept the RtS until the flood assessment has been finalised and any necessary changes to the building and/or stormwater design are incorporated.*
- *The final RtS would need to be updated to incorporate the findings of the final flood assessment, including responses to Council's comments.*

Response:
The final flood assessment is now complete and included in the RtS. Necessary changes to the stormwater design have been incorporated and relevant plans have been updated accordingly. No changes to the building are required.

Water management

- *RtS section 2.5 'Flooding' indicates the proposed swale will not be connected to the existing swale on the adjacent property whereas RtS section 2.5 'Contamination' indicates the proposal involves minor excavation for stormwater/flood works that would be connected with the recently constructed swale on the adjoining southern property at 7 Kiora Crescent. Please clarify.*

Response:
To clarify, the proposed swale will not be connected to the existing swale on the adjacent property. Section 2.5 of the RtS "contamination" has been revised to reflect this.

- *Fire water management issues to be addressed:*
  - *Location/operation of stormwater isolation valves (and how they will prevent all offsite discharges of firewater)*
  - *Further specifics on any storage lagoons and isolation tanks*
  - *Given that the sprinkler system appears to be connected to the unlimited water main supply, it is unclear how the facility's bunding is less the total hydraulic demand of the sprinklers (i.e after 90 minutes of use there is no more capacity to bund firewater).*

Please advise how firewater/wastewater would be contained if the sprinklers operated for more than 90 minutes.

Response:
An isolation valve would be provided to the stormwater discharge point which will allow capture of any contaminated fire fighting water within the underground pipeline and pavement areas should this overflows the building bunding. With the shut off valve at the last pit, once the pipes are full, the water will overflow from the kerb-inlet pits and spill over on the pavement area. The water would be contained by the existing concrete kerbs that are 150 mm high and a speed hump across the front entry point. Should a fire occur, the building bunding as designed would hold 90 minutes of fire fighting water with all fire water being used at full load. With the stormwater isolation valve closed, the pipe and pavement area would provide capacity to hold more than an additional 60 minutes of fire water. A basic plan showing the location of the shut-off valve and pavement area has been provided with the architectural plans.
No storage lagoon or isolation tanks are proposed.

Vacuum tankers from nearby facilities such as Enviro Waste Services at Yennora, Sydney Waste Services at Smithfield, Cleanaway at Sydney Olympic Park or iTreat at Pendle Hill can be called upon in an emergency to attend the site and suck up excess water generated which would be taken to a licensed liquid waste treatment facility.

Noise and vibration

- *RtS section 2.10 indicates the site is currently vacant and an assessment of vibration Impacts cannot be undertaken until the equipment and machinery are in place at the site. The Applicant recommends that noise and vibration compliance monitoring in the adjacent tenant be conducted after the commencement of operations to confirm compliance if access is granted. However, it is considered vibration modelling is required as part of the assessment and cannot be left to post-approval due to potentially significant inter-tenancy impacts.*
- *Further justification is needed that noise and vibration from the premises will not impact the adjoining warehouse. The report states the Colorbond wall separating the two premises 'has a Rw of 22 dB(A)' and that noise will therefore register below the relevant guidelines. This appears to be highly unlikely, and such needs further support.*

Response:
Vibration modelling has not been undertaken. Vibration predictions use a combination of measurements and formulas derived from actual experience (please refer to section 4.6 of *Assessing Vibration – A Technical Guideline* (DEC, 2006) for further information). Rather vibration measurements were undertaken at a similar facility and show the operational vibration impacts on the neighbouring industrial unit have been assessed and shown to be negligible and well below the relevant *Assessing Vibration – A Technical Guideline* (DEC, 2006) criteria.

Noise measurements have been undertaken to determine the noise performance of the warehouse wall and to predicted noise levels in the adjacent industrial unit. The predicted noise levels comply with the Noise Policy for Industry Criteria of 68 dB(A) at the adjoining warehouse tenancy. Although not required for compliance it is recommended that the holes in the shared wall between the site and the neighbouring industrial unit be fully closed with steel which overlaps the existing components.

This is addressed in section 7.4 of the revised noise impact assessment (201156_NIA_Rev5, Attachment 12 to this report).

Queuing

- *The Department notes that Wastedge software would be used to minimise queueing, however, it remains unclear where and how multiple trucks arriving, waiting and/or exiting the site will be managed. Please provide a truck queuing plan showing the worst case scenario to demonstrate how multiple trucks will be accommodated within the site.*

Response:
A queuing plan was previously provided with the traffic response letter from Stanbury Traffic Planning in Attachment 7 (last page). The queuing plan reflects the worst case scenario of trucks accumulating at the site. As outlined in Section 6.6.3.2 of the traffic report prepared by Stanbury Traffic Planning dated October 2021, the queuing assessment identified a 98th percentile (worst case) queue of 2.7 vehicles (including one on the weighbridge). Conservatively assuming that the weighbridge is vacant, the plan provided shows that three vehicles can queue inside the site behind the weighbridge, with adequate room and as such, no queuing is expected outside the site.

Traffic

- *The traffic assessment estimates the proposed development would generate 21 and 16 vtph in the AM and PM peaks, respectively which is less than the baseline assumed 100% warehouse generation of 29 vtph during peak. The SIDRA output for Dursley Road indicates the post-development traffic volume score of 'F' – this result needs to be addressed and mitigation measures recommended to reduce impacts on Dursley Road.*

Response:
This issue has been addressed in a letter from Stanbury Traffic Planning, dated 24 August 2022 and provided in Attachment 7. Additional SIDRA modelling of the junction of Fairfield Road / Dursley Road was undertaken and results indicate that "for the east approach and total intersection delay, the proposed development is expected to have less impact that a standard warehouse development."

"The existing delays on Dursley Road could potentially be ameliorated by adjustment to cycle or phasing times, which would be subject to discussion between Council and Transport for New South Wales as this is an existing issue and not a result of the proposed development. The proposed development generates less than a standard warehouse use and any condition which requires alteration to existing infrastructure is unreasonable."

Wheelwash

- *Given the inherent uncertainties around the effectiveness of the misting system, it is recommended a wheel wash is included.*

Response:
A wheelwash has been included as recommended and is shown on the revised architectural plans. Additional information about the proposed wheelwash is provided in Section 2.8.

Other

- *Bitumen ramp for fire brigade access is still on the architectural plans and swept path diagrams showing an extension into the adjacent property / tenancy – consent required for works in adjoining tenancy.*
- *Please clarify how high the empty skip bins will be stacked.*

Response:

It is noted that the site owner owns the entire land parcel in which the proposed development and the adjoining tenancy are located and therefore any works to the bitumen ramp can be included in this consent. Owner's consent has been provided for the project.

Skip bins are able to be stacked up to 3.5 metres high. Stacked bins are shown in the photograph below.

Figure 2-5: Stacked Skip Bins

3. NSW EPA

3.1 NOISE AND VIBRATION

The operational noise modelling in the NIA indicates that without noise mitigation measures, the proposal will result in a 9 dB(A) exceedance of the project noise trigger levels at the adjacent premises (R14 at 30A Loftus Road, Yennora) during daylight operations.

The EPA considers that the NIA modelling has not clearly demonstrated that the proposed noise mitigation measure for this exceedance (installation of a fast-acting roller shutter door that will close when not in use) will reduce noise at R14 to below the relevant noise criteria. The EPA is also concerned that the effectiveness of this proposed mitigation measure is reliant on correct operator procedures to ensure roller doors are only briefly open for truck movements.

It is also noted that the location of R14 is the carpark of the adjacent premises. No modelling has been done of noise impacts within the building at 30A Loftus Road from the proposal where the noise impacts are potentially going to impact sensitive receptors for a longer period of the day.

The EPA recommends that the following additional information is provided in relation to noise impacts from the proposal:

- *Modelling of noise impacts within the building at 30A Loftus Road, including assessment of whether the modelling will comply with relevant noise criteria;*

Response:
Noise measurements have been undertaken to determine the noise performance of the warehouse wall and to predicted noise levels in the adjacent industrial unit. The predicted noise levels comply with the Noise Policy for Industry Criteria of 68 dB(A) at the adjoining warehouse tenancy. Although not required for compliance it is recommended that the holes in the shared wall between the site and the neighbouring industrial unit be fully closed with steel which overlaps the existing components.

This is addressed in section 7.4 of the revised noise impact assessment (201156_NIA_Rev5, Attachment 12 of this report).

- *Further consideration by the proponent of additional noise mitigation measures to ensure compliance with relevant noise criteria at all sensitive noise receptors; and*

Response:
As described below additional noise mitigation measures are not required to ensure compliance, as fast acting roller shutter doors on the rear of the property that are closed for 66% of the time during the day will achieve compliance at all sensitive receivers. A compliance noise report following commencement of operations is recommended to confirm compliance.

- *Additional modelling to demonstrate the level of noise reduction projected from installation of fast-acting shutter doors at sensitive receptors where noise is projected to exceed the relevant noise criteria.*

Response:
Additional modelling has been undertaken and presented in the revised Noise Impact Assessment provided as Attachment 12.

When the rear doors are closed 66% of the time, the noise levels comply with the criteria at all receivers during the day time. This is considered feasible as a maximum of four trucks are predicted per 15 minutes across the two rear doors and includes the truck entering and exiting. This would mean the doors could be open for up to 5 minutes each which is more than enough time for a truck to pass through the door. Additionally, the truck numbers are a worst case scenario and this frequency could be much less and therefore the doors closed for longer.

3.2 WATER MANAGEMENT

The EIS indicates the proposed site will not discharge wastewater offsite due to the following factors:

- *All incoming waste to the site will be non-putrescible solid C&I and C&D waste, which will be processed, handled and stored within an enclosed building.*
- *In the event of a fire, the enclosed building will be bunded to a capacity of 500 m3. Based on sprinkler/hydrant flow rates, this would allow the first 90 minutes of firewater to be contained onsite.*

Despite this, there are potential risks that contaminated firewater could discharge offsite via the stormwater system in the event that the enclosed building bunding capacity is exceeded, or a fire occurs from an outdoor hazard (such as the 13kL diesel storage tank). There is also a potential risk of diesel discharge to stormwater should a spill overflow the tank bunding. The EIS does not indicate that any measures are proposed to ensure such run-off can be detained in the onsite stormwater system in the event of the circumstances outlined above.

The EPA recommends that the following additional information is provided in relation to water management for the proposal:

- *Further consideration by the proponent of onsite additional wastewater and chemical spill control infrastructure (including, but not limited to, detention ponds, barriers, stormwater isolation valves, first flush system) to capture wastewater or chemical material and prevent the discharge to waters from the site in the event a fire or chemical spill.*

Response:
It should also be noted the that entire building will be bunded. The requirement for firewater run-off containment is stipulated in Section 7.9 of NSW Fire and Rescue's Guideline, Fire safety in waste facilities. This containment needs to include:

- A net capacity not less than the total hydraulic demand of installed fire safety systems (net discharge of water from both fire hydrant system and sprinkler system;
- Wholly incorporate any external quarantine area;
- An impermeable base;
- Secondary/tertiary facilities such as impermeable bunds, storage lagoons or isolation tanks as appropriate to the facility;
- Any necessary pollution control equipment such as stormwater isolation valves.

In addition, an isolation valve would be provided to the stormwater discharge point which will allow capture of any contaminated fire fighting water within the underground pipeline and pavement areas should this overflows the building bunding. With the shut off valve at the last pit, once the pipes are full, the water will overflow from the kerb-inlet pits and spill over on the pavement area. The water would be contained by the existing concrete kerbs that are 150 mm high and a speed hump across the front entry point. Should a fire occur, the building bunding as designed would hold 90 minutes of fire fighting water with all fire water being used at full load. With the stormwater isolation valve closed, the pipe and pavement area would provide capacity to hold more than an additional 60 minutes of fire water. Architectural Plan A08 has been revised to include the location of the shut-off valve and pavement area able to capture additional fire water runoff.

Vacuum tankers from nearby facilities such as Enviro Waste Services at Yennora, Sydney Waste Services at Smithfield, Cleanaway at Sydney Olympic Park or iTreat at Pendle Hill can be called upon in an emergency to attend the site and suck up excess water generated which would be taken to a licensed liquid waste treatment facility.

It is acknowledged that there is a risk of contamination from overflow of the diesel tank bunding. However, it should be noted that double bunding is provided, providing two levels of mitigation. This includes the self bunded tank and the roll kerb with sump pit for bunding of the refuelling area. This area is 10 m x 6.3 m and with a height of 300 mm, this would provide containment for 18,900 Litres of liquid which exceeds the 15,000 Litre capacity of the diesel tank. This bund capacity does not include the self bunding of the tank which would provide additional capacity for capture of liquid. An awning would be provided to ensure stormwater does not accumulate in the bunded area. This is shown on the architectural plans.

4. CUMBERLAND CITY COUNCIL

4.1 FLOODING

Note: An addendum to the flood assessment due to the revised carparking layout is provided in Attachment 8 along with the detailed flood assessment.

1. Street frontage is affected by 1% AEP flooding. Access may be cut-off during the flooding. In this regard, flood risk management plan shall be prepared to manage vehicular access to and from the site during the flooding. All the new electrical connections, storage areas and new installations shall be located minimum 500mm above 1% AEP flooding as per the flood advice letter. Flood evacuation plan shall be prepared.

Response:
A flood investigation has been prepared by Lyall and Associates and is provided as Attachment 8. Section 5 sets out the key requirements that should be incorporated into a Flood Preparedness and Response Plan to manage risks and damages, as well as the procedures and responsibilities for the safe evacuation and refuge of site personnel and vehicle drivers during time of flood. Section 5 sets out the flood planning requirements of the proposed facility, including minimum levels for managing the risk of flooding to new electrical connections, storage areas and new installations. Section 5 sets out the key requirements that should be incorporated into a Flood Preparedness and Response Plan to manage risks and damages, as well as the procedures and responsibilities for the safe evacuation and refuge of site personnel during time of flood.

4.2 STORMWATER MANAGEMENT

2. Downstream easement and owners' consent is required for the proposed stormwater disposal into canal located within downstream site. If there is an existing easement stormwater design can be modified to use the existing easement/pipe. Owners' consent is required for any modification to the stormwater outlet within the downstream easement.

Response:
The revised stormwater plans presented in Attachment 2 demonstrate that site stormwater would now be discharged into the existing piped drainage line and not into the existing swale within the downstream easement. As no modification to the stormwater outlet within the downstream easement is proposed, owners' consent is not required.

4.3 TRANSPORT AND PARKING

3. The traffic report shows that development will have adverse impact on Dursley Road approach at the site 3 intersection, as per the traffic report. This matter shall be addressed. It appears traffic counts have been carried out during the Covid lock down period. It is not clear appropriate corrections have been made in the modelling to address this.

Response:
Justification is provided in Attachment 7 and provided below for convenience:

The surveys were undertaken on Wednesday 16 June 2021 and Saturday 12 June 2021. A review of the locally transmitted cases in NSW indicates essentially no community transmission from 17

January 2021 to 17 June 2021. To provide a comparison, data from TfNSW permanent count data 66249 Fairfield Street, 30m East of Cockburn Crescent, Fairfield East was reviewed. Data is available up until the end of May 2022. Data was analysed for the peak hours 8am to 9am and 3pm to 4pm for all weekdays in May for 2019, 2020, 2021 and 2022.

The average peak hour for all vehicles directions combined is as follows:

- 2019 – AM 413.4, PM 498.2;
- 2020 – AM 286.8, PM 452.5;
- 2021 – AM 368.8, PM 478.3; and
- 2022 – AM 374.2, PM 468.2

The data above indicates that data in 2021 was higher than in 2020 when the COVID-19 restrictions commenced. There is minimal difference between 2021 and 2022. Based on this, the surveys are considered fit-for-purpose and no corrections are considered necessary to the survey data.

During the previously reported traffic surveys in June 2021, the previously approved warehouse / factory development on the subject site was closed. The site has 419 m^2 of office space and 4,142 m^2 of warehouse / factory space.

Based on standard traffic generation rates and conservatively assuming 100% warehouse use rather than the higher traffic generation of a factory use, when operational, the existing site as a warehouse could be expected to generate up to 29 trips in the road network peak hour. A review of Nearmap aerial imagery indicates that the site last operated in early 2019 and a capture from Sunday 29 December 2018 shows 17 trucks parked on-site.

The proposed development is expected to generate 21 trips in the AM peak road network peak hour and 16 trips in the PM road network peak hour.

Had the subject site been operating as per the previously approved site use as 100% warehouse, then this level traffic would have already been on the road network and recorded and accordingly there would be a higher level of base traffic.

The proposed use is expected to be less ‘traffic intense‘ in the road network peak hours than a standard warehouse development that was previously approved and operational on the site.

In relation to the port-development traffic volume score of ‘F’ for Dursley Road, this has been addressed by undertaking additional SIDRA modelling of the junction of Fairfield Road / Dursley Road. Results indicate that “for the east approach and total intersection delay, the proposed development is expected to have less impact that a standard warehouse development.”

The existing delays on Dursley Road could potentially be ameliorated by adjustment to cycle or phasing times, which would be subject to discussion between Council and Transport for New South Wales as this is an existing issue and not a result of the proposed development. The proposed development generates less than a standard warehouse use and any condition which requires alteration to existing infrastructure is unreasonable.

> *4. The scoping report states that 50 full time long term positions will be created. Only 34 onsite parking spaces are proposed in the development. The matter shall be addressed. The*

parking rate of 1 space for 70m² of factory GFA shall be used in the parking calculations as per Cumberland Development Control Plan 2021. Driveway modifications recommended in the Traffic report shall be incorporated in the proposal.

Response:
The EIS confirmed that the expected number of full time positions created by the development is 44 in total. These personnel would be distributed over two shifts, with night shift being for maintenance only. The expected number of staff on day shift is 33. However, adequate parking spaces are required to accommodate a shift turnover (worst case scenario). The site layout has been revised to provide 34 car parking spaces and appropriate pedestrian zebra crossings so that pedestrians can minimise walking through the rear concrete area. This issue is further addressed in Attachment 7.

4.4 WASTE MANAGEMENT

5. Details of the ongoing management of waste generated by the office and employees shall be provided.

Response:
Ongoing management of waste generated by the office and employees was provided in Section 3 of the Waste Management Plan (Attachment 1 of the Waste Management Report). The following has been repeated for convenience:

SECTION 3 – ONGOING MANAGEMENT OF WASTE (RESIDENTIAL, MULTI- UNIT, COMMERCIAL, MIXED USE AND INDUSTRIAL)

NOTE: The proposed development is a resource recovery facility for C&D and C&I waste. Quantities of incoming waste and recovered materials are detailed in the Waste Management Report prepared by Benbow Environmental submitted with the development application. The table below relates to wastes generated by the office and amenities use only.

	Recyclables		Compostables	Residual waste*	Other
	Paper/ Cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)	80 L		N/A	40 L	N/A
Amount generated (L per development per week)	480 L		N/A	240 L	N/A
Any reduction due to compacting equipment	No		N/A	No	N/A
Frequency of collections (per week)	Weekly to fortnightly by private contractor		N/A	Weekly to fortnightly by private contractor	N/A

	Recyclables		Compostables	Residual waste*	Other
	Paper/ Cardboard	Metals/ plastics/glass			
Number and size of storage bins required	1100L bin serviced by private contractor		N/A	660L bin	N/A
Floor area required for storage bins (m^2)	1.5m^2		N/A	1 m^2	N/A
Floor area required for manoeuvrability (m^2)	N/A – serviced by private contractor		N/A	N/A – serviced by private contractor	N/A
Height required for manoeuvrability (m)	N/A – serviced by private contractor		N/A	N/A – serviced by private contractor	N/A

4.5 TREE MANAGEMENT

6. It is recommended that all trees that are to be retained as part of the proposed upgrade of this site are appropriately protected as per AS4970 – 2009 Protection of trees on development. During construction or any time during the development, any pruning works should be carried out to AS4373 – 2007 Pruning of amenity trees by a minimum AQF3 qualified arborist. Any landscape plan for the site should be prepared by a minimum AQF5 landscape architect/ designer and all hard and soft landscape works carried out by minimum AQF3 qualified landscapers. Should the development necessitate the removal of any trees onsite, it is recommended that any tree is replaced at a ratio 2:1 to offset the removal of the tree. Trees should be purchased under AS2303 – Trees for landscape use.

Response:
The above recommendations for tree protection and pruning are noted and requested to be included in the conditions of consent, including the appointment of a AQF3 qualified arborist. No additional landscaping is proposed and therefore a landscape plan is not required. No trees are to be removed in association with this development application, therefore no trees would be need to be replaced.

4.6 ENVIRONMENTAL HEALTH UNIT

The proposed development incorporates scheduled activities as defined under the Protection of the Environment Operations Act 1997 *including resource recovery and waste storage. Based on the information provided and the amount of waste to be processed at the facility, an Environment Protection Licence from the NSW Environment Protection Authority (EPA) will be required. Therefore, it is requested that the NSW EPA review the EIS in order to make comment as to the technical environmental reports submitted and recommend suitable consent conditions/operational requirements for the site as the facility will need to comply with any licence requirements as issued by the EPA which will be based*

on these conditions. It is requested that the following potential impacts be included in the EPA assessment:

4.6.1 Dust Generation

The air quality report indicates that dust generation is likely. It is requested that conditions be included in any consent given to require appropriate measures be installed to ensure that dust is sufficiently managed on site including the following: No external waste storage or processing is to occur onsite; dust suppression measures including misting, suitable ventilation/exhaust systems are to be installed; and other suitable physical barriers/air locks be considered. Contaminated materials including asbestos should not be processed onsite without additional safety mechanisms in place to ensure there is no escape of hazardous material into the environment.

Response:
Council recommendations are noted and conditions to be included on the environment protection licence are to be stipulated by the NSW EPA. It should be noted that no asbestos would be processed at the site. Asbestos is a prohibited substance and all efforts would be made to ensure that asbestos is not received at the site.

4.6.2 Odour Impact

It is noted that odour impacts have not been assessed based on the type of material to be processed at the facility which is understood that there will be no putrescible waste material processed on site. It is requested that there be conditions placed on any consent to ensure that no putrescible waste is processed onsite unless an odour impact assessment has been undertaken and any required attenuation measures installed to address any identified impacts.

Response:
The proponent supports the request by Council to condition the prohibition of putrescible waste at the site.

4.6.3 Stormwater Management

The stormwater management report indicates that upgrades are required at the premises – it is requested that conditions be included on any consent requiring that all suitable stormwater management techniques be installed so as to avoid potential local environmental pollution incidents. Should chemical material be sorted onsite, additional measures would be required around the storage of this material in covered, bunded areas, alternatively there should be a requirement that no chemicals are processed at the waste facility; and

Response:
Noted. The proponent supports conditions on any consent include that no chemicals are to be processed or sorted on site.

4.6.4 Noise Impacts

The acoustic report indicates that there will be noise impacts on neighbouring industrial uses with the noise level exceeded by 9 decibels. It is requested that the NSW EPA consider this exceedance an, if acceptable, it requested that specific measures be installed on site through suitable consent conditions on any consent which include a 24 hour contact number for the site; the requirement to keep noise complaint logs; and implement any recommendations of the NSW EPA and acoustic consultant including for waste processing activities, truck movements, door openings with consideration for air lock/barriers and all other relevant best practice measures.

Response:
The NIA has been updated with specific requirements of the NSW EPA which addresses the above issues raised by Council. In addition, the proponent will implement a detailed Environmental Management Plan which would include a complaints procedure as well as set up of a 24 hour telephone complaints line that would be available for the public to make complaints regarding the facility. Any complaints would be investigated and resolved as per the procedure within the EMP. Additionally, a noise compliance report is recommended following commencement of operations.

4.6.5 Fire Safety

It is also recommended that the fire safety measures be reviewed by NSW Fire & Rescue to ensure fire safety measures are addressed

Response:
Fire safety measures as part of the development have been reviewed by the NSW Fire and Rescue. Their comments and recommendations are addressed in Section 6 of this report.

5. TRANSPORT FOR NSW

5.1 GREEN TRAVEL PLAN

TfNSW has reviewed the Green Travel Plan for proposed Cobra Waste Solutions Resource Recovery Facility and offer the following advice:

- ***Mode Shares**: Given the supply of public transport, buses and heavy rail (Yennora rail station is 600m from the site) and some active transport modes (walking) as well as potential for other active travel modes of cycling, TfNSW recommend that the proposed mode shares for all of these groups are increased and car driving mode shares be further decreased.*

- ***Implementation Plan:** TfNSW appreciate the sustainable transport initiatives that have been documented in the GTP. TfNSW would ask that these be included in a implementation Plan. This Implementation Plan is the backbone of the green travel plan, and so TfNSW recommend that the plan has specific timings and dates, and employer/employee responsible such as a Travel Coordinator, and their supporting colleagues who will implement the Green Travel Plan for the lifecycle of the development. The initiatives should be seen as actions that can be practically implemented by the facility, and the Implementation Plan (including the proposed mode shares) should be monitored and updated on a regular basis.*

- ***Parking:** TfNSW recommend not promoting the amount of car parks as part of your Travel Access Guide or any other communications about transport to and from the site. This promotion will further encourage car driving as a preference, and reduce any incentive to harness other more sustainable modes, consistent with Future Transport 2056 in which Travel Demand Management (TDM) is one of TfNSW top priorities.*

- ***Parking management strategy:** TfNSW requests that a parking management strategy be incorporated into the GTP, that prioritises use by employees and visitors on a needs basis, i.e. preference for parking for staff that are car-pooling or car sharing. Charging points for Electric Vehicles (EV) are also recommended.*

- ***Bicycle parking and End of Trip (EoT):** TfNSW appreciate that there is some bicycle parking provision, but would suggest that more than 4 spaces are provided to encourage cycling as a mode. The bicycle parking should be located throughout the site at convenient locations, be safe, secured and under cover. Some further guidance on bicycle parking and end of trip facilities can be found in the cycleway design toolkit. Further, TfNSW requests that End of Trip (EoT) facilities are also provided to further encourage active modes to the site. TfNSW recommend that bicycle parking and EoT should be monitored over time to ensure sufficient supply to encourage active transport both to/from and around the site.*

- ***Travel Access Guide (TAG):** TfNSW appreciates the work already undertaken on the Travel Access Guide. The TAG should also include the following:*

    - *Provide information on car share, car-pooling and priority parking for people that car pool or car-share.*
    - *Provide information about cycling, walking and public transport initiatives to encourage the use of sustainable transport journeys by staff and students.*

- *Provide promotion of end of trip (EoT) facilities, including any new cycling infrastructure available, and update number and location of bicycle parking and EoT facilities.*
- *For further helpful information – please check this link How to Create a Travel Access Guide doc* ***here.***

- ***Travel Survey:*** *TfNSW recommends that employee and visitor surveys are conducted each year for the lifecycle of the development. The surveys should include questions to ask obtain workforce data analysis (including employee and visitor residential postcodes) to identify the employee and visitor travel origin and destination patterns, to inform strategies that help to reduce car parking demand for employees and visitors to get to and from the site. The Travel Survey should also be promoting any initiatives or strategies that encourage sustainable transport routes. An example of a travel survey can be found here.*

Response:
The TfNSW recommendations have been included in a revised Green Travel Plan and provided in Attachment 7.

6. FIRE AND RESCUE NSW

FRNSW have reviewed the EIS and make the following comments:

It has been the experience of FRNSW that waste recycling facilities pose unique challenges to firefighters when responding to and managing an incident. Factors such as high and potentially hazardous fuel loads, facility layout, and design of fire safety systems have a significant impact on the ability to conduct firefighting operations safely and effectively. Consultation with organisations such as FRNSW throughout the development process enables the design and implementation of more effective fire safety solutions that help to mitigate the impact of incidents when they occur.

Recommendations
Following a review of the EIS report FRNSW provides the following recommendations for your consideration:

1. To ensure that the fire prevention, detection, protection and firefighting measures are appropriate to the specific fire hazards and adequate to meet the extent of potential fires, a comprehensive Fire Safety Study (FSS) is recommended to be undertaken for the site.
2. That the FSS is developed in accordance with the requirements of Hazardous Industry Planning Advisory Paper No.2 (HIPAP No.2).
3. That the FSS is required to be developed in consultation with FRNSW and to the satisfaction of the operational requirements of FRNSW. FRNSW recommend that the development of a FSS be a condition of consent.

Response:
A Fire Safety Study (FSS) has been prepared by a Fire Engineer and is provided as Attachment 11. Further consultation with the FRNSW to finalise the FSS will be undertaken prior to issue of the Construction Certificate.

4. That a comprehensive ERP is developed for the site.
5. That two copies of the ERP are stored in a prominent 'Emergency Information Cabinet' which is located in a position directly adjacent to the site's main entry point/s.
6. An Emergency Services Information Package is to be developed as detailed in FRNSW guideline - Emergency Services Information Package and Tactical Fire Plans for use by responding firefighters. It is to be stored along with the ERP in an 'Emergency Information Cabinet' which is located in a position directly adjacent to the site's main entry point/s.

Response:
A comprehensive Emergency Response Plan and Emergency Services Information Package is to be developed in accordance with FRNSW guidelines. Two copies would be stored in a prominent emergency information cabinet located directly adjacent to the main entry point of the site. It is requested that development of this plan be included as a condition of consent in order to consider outcomes of the final Fire Safety Study.

7. Please revisit the FRNSW fire safety guideline for Fire Safety in Waste Facilities that includes legislated requirements and development considerations.

Response:
Requirements of the FRNSW Fire Safety Guideline are revisited in Section 5 of the Fire Safety Study provided as Attachment 11.

7. OBJECTOR - NAME WITHHELD

FURTHER COBRA WASTE RECOVERY FACILITY.

I STRONGLY OBJECT ON THE FOLLOWING GROUNDS.

I HAVE OWNED INDUSTRIAL PROPERTY IN DURSLEY RD SINCE 1987, DURING THESE 35 YEARS I HAVE SEEN THE AREA GROW CONSIDERABLY WHICH HAS BEEN GOOD FOR THE AREA, BOTH IN EMPLOYMENT AND BUSINESS.

WOOLWORTHS HAVE THERE [sic] *MAJOR DISTRIBUTION FACILITY OPPOSITE MY PREMISES THEY EMPLOY APPROX 3,000 PEOPLE AND OPPERATE* [sic] *24 HOURS A DAY 7 DAYS A WEEK.*

IN ADDITION YOU HAVE MANY NEW FACTORIES AND WAREHOUSES ON THE OLD TUBMAKERS SITE AS WELL AS THE OLD COMALCO SITE THIS HAS BROUGHT A LOT OF EMPLOYMENT AND INDUSTRY TO THE AREA. DUE TO THE LARGE NUMBER OF TRUCKS COMING IN AND OUT OF THE AREA THIS HAS PUT A LOT OF PRESURE [sic] *ON DURSLEY RD*

A NUMBER OF YEARS AGO DUE TO THE HIGH TRUCK MOVEMENTS IN AND OUT OF THIS AREA, THE COUNCIL CLOSED TRUCK MOVEMENTS SOUTH OF LOFTUS STREET [sic] *IN PINE RD TO STOP THE RESIDENTUAL* [sic] *STREETS IE FAIRFIELD STREET FROM BEING BLOCKED WITH HEAVY TRUCKS.*

ALLSO [sic] *LOFTUS STREET* [sic] *WHERE IT MEETS MILITARY RD IS PROHIBITED FOR TRUCKS.*

THIS MEANS THAT ALL TRUCKS ENTERING OR LEAVING THE AREA MUST USE DURSLEY RD. AT VARIOUS TIMES OF THE DAY IT CAN TAKE 20 MINUTES TO GET OUT OF DURSLEY RD, IN ADDITION TRUCKS ARE NOT ALLOWED TO TRAVEL FROM DURSLEY RD SOUTH ALONG FAIRFIELD RD.

WITH THE PROPOSED COBRA APPLICATION TO PROCESS 150,000 TONNES PER ANNUM AS THEY ARE A BIN COMPANY THAT WOULD NORMALY [sic] *CARRY BINS HOLDING APPROX 5 TONNES THIS WOULD INCREASE THE TRUCK MOVEMTS* [sic] *IN AND OUT OF DURSLEY BY APPROX 60,000 PER ANNUM, THAT DOES NOT TAKE IN TRUCKS ENTERING AND LEAVING THE AREA TO CARRY AWAY THE GENERAL SOLID WASTE. IN PEAK HOUR YOU CURRENTLY WAIT UP TO 40 MINUTS* [sic] *TO LEAVE DURSLEY FOR THIS REASON THE PROJECT SHOULD NOT GET APPROVAL*

Response:
It is noted that these comments are a duplicate of the comments provided by Council and DPE regarding the increase in traffic as a result of the proposed development. The following response from Stanbury Traffic Planning in Attachment 7 is provided:

With regard to the additional trucks entering or leaving using Dursley Road:

During the previously reported traffic surveys in June 2021, the previously approved warehouse / factory development on the subject site was closed. The site has 419 m^2 of office space and 4,142 m^2 of warehouse / factory space.

Based on standard traffic generation rates and conservatively assuming 100% warehouse use rather than the higher traffic generation of a factory use, when operational, the existing site as a warehouse could be expected to generate up to 29 trips in the road network peak hour. A review

of Nearmap aerial imagery indicates that the site last operated in early 2019 and a capture from Sunday 29 December 2018 shows 17 trucks parked on-site.

The proposed development is expected to generate 21 trips in the AM peak road network peak hour and 16 trips in the PM road network peak hour.

Had the subject site been operating as per the previously approved site use as 100% warehouse, then this level traffic would have already been on the road network and recorded and accordingly there would be a higher level of base traffic.

The proposed use is expected to be less 'traffic intense' in the road network peak hours than a standard warehouse development that was previously approved and operational on the site.

In relation to the port-development traffic volume score of 'F' for Dursley Road, this has been addressed by undertaking additional SIDRA modelling of the junction of Fairfield Road / Dursley Road. Results indicate that "for the east approach and total intersection delay, the proposed development is expected to have less impact that a standard warehouse development."

The existing delays on Dursley Road could potentially be ameliorated by adjustment to cycle or phasing times, which would be subject to discussion between Council and Transport for New South Wales as this is an existing issue and not a result of the proposed development. The proposed development generates less than a standard warehouse use and any condition which requires alteration to existing infrastructure is unreasonable.

This concludes the Response to Submissions.

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