Your ref: PAE-108345209
Our ref: DOC26/144225-3

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EPA Advice on Submissions Report - SSD-67497708
Aussie Skips Recycling - Bellfrog St Site upgrades

The NSW Environment Protection Authority (**EPA**) is writing in response to the Department of Planning, Housing and Infrastructure's (**DPHI**) request for the EPA's advice on the Submissions Report received in relation to SSD-67497708 (**the Proposal**).

The Proposal relates to upgrades to the existing waste facility located at 13 Bellfrog Street, Greenacre, NSW 2190 (**the Premises**), that is currently operated by Aussie Skips Pty Ltd (**the Applicant**). The Applicant is currently permitted to carry out waste storage scheduled activities at the Premises, in compliance with conditions of Environment Protection Licence (**EPL**) no. 21389 (**the Licence**) issued by the EPA under the *Protection of the Environment Operations Act 1997* (**the Act**).

The EPA understands that via the Proposal, the Applicant has sought approval from the consent authority to upgrade existing infrastructure at the Premises. These upgrades would enable the Premises to operate as a Resource Recovery Facility (**RRF**), and would require supplementary amendments to activities permitted to occur at the Premises, including extended hours of operation, and the ability to receive and process additional waste streams.

In preparing this response, the EPA has:

- Reviewed the Submissions Report provided, titled *Aussie Skips Recycling Bellfrog St Site Upgrades (SSD-67497708) Submissions Report - ref. E250438 RP#3, version 1*, *as* prepared by EMM Consulting Pty Ltd and dated 27 February 2026 (**the Submissions Report**); and
- Considered the EPA's previous submissions to DPHI regarding the Proposal and SSD-67497708, including:
    - The Secretary's Environmental Assessment Requirements (**SEARs**) requirements dated 29 February 2024 (notice no. 1637398, DOC24/110492-4) and 13 May 2024 (DOC24/356005); and
    - The Environmental Impact Statement (**EIS**) (DOC25/973133-4) dated 16 December 2025.

The EPA's prior submission (dated 16 December 2025, ref. DOC25/973133-4), provided advice and recommendations on the EIS attached to the Proposal. In this submission, the EPA identified inconsistencies, contradictions, or omissions within the EIS assessment and justification of the Proposal. As such, the EPA requested additional information of the Applicant to allow the EPA to adequately assess Proposal giving regard to the EPA's considerations under section 45 of the Act.

The EPA has completed a review of the Submissions Report provided in attachment to the Proposal.

The Applicant has provided some responses to the EPA's previous submissions, however, the responses and amendments provided within the Submissions Report remain insufficient to address the issues raised, and the EPA considers that the assessments provided are not technically reliable and do not justify the proposal. As a result, the EPA is unable to provide recommended conditions of approval for the Proposal at this stage.

Notwithstanding, the EPA has provided general comments on the Submissions Report and the Proposal within **Attachment A** to this letter, for DPHI's further consideration.

If you have any questions about the information contained in this letter, please contact Jennifer Brown, Senior Operations Officer, on (02) 8289 6829, or via **info@epa.nsw.gov.au**, with reference to *SSD-67497708* and *EPL 21389*.

Yours sincerely

Larissa Borysko
A/Manager Regional Operations
NSW Environment Protection Authority

7 April 2026

Enclosure

cc: Attachment A – EPA Advice on Submissions Report (SSD-67497708)

ATTACHMENT A

EPA'S ADVICE ON SUBMISSIONS REPORT (SSD-67497708)

While the Applicant has responded to the EPA's submissions on the EIS within the Submissions Report, the additional assessment and information appears to contain similar contradictions, omissions, and unsupported assertions as were contained within the EIS, and does not adequately justify the actions of the Proposal.

Specifically, the EPA is concerned that despite the Proposal relating to proposed upgrades to the Premises so it can be operated as a Resource Recovery Facility, the EIS and Submissions Report do not provide a consistent or technically adequate demonstration as to how core waste management and resource recovery processes will be carried out at the Premises, in compliance with applicable legislative and regulatory requirements.

The Applicant's responses within the Submissions Report indicate that:

- In some cases, the required technical assessment was not provided or lesser environmental controls were proposed, with these actions being justified largely on cost or practicality rather than consideration to improved environmental impacts or regulatory compliance;
- The EPA's prior concerns have not been fully addressed, and information that remains critical for the proper and complete assessment of the Proposal has not been provided; and
- There are repeated suggestions of deferring unresolved technical matters to post-approval management plans, rather than addressing these issues during the SSD assessment stage.

It should be noted that the EPA's comments below do not provide an exhaustive summary of the issues identified within the Submissions Report or the accompanying EIS assessment.

1. Activities permitted to be carried out at the Premises

The Applicant has provided information within the Submissions Report that does not align with the EPA's understanding of activities that are currently permitted to be carried out at the Premises under the Licence and Development Consent. As a result, the EPA cannot confidently rely on the accuracy of the Proposal's characterisation and assessment of activities currently being carried out at the Premises.

The EPA notes:

- The Submissions Report provides inconsistencies between the Proposal's representation of activities currently being carried out at the Premises, as compared to those that are permitted to be carried out per the issued development consent approvals and under the Licence.
- For example:
    - The Introduction of the Submissions Report attached to the Proposal has stated that "*Aussie Recycling currently operates the site as a waste **or resource transfer station**",* and has incorrectly stated that the Premises is currently *"approved to receive, **process** and dispatch 199,000 tpa*."
    - EMM Consulting Pty Ltd (**EMM**) authored the Submissions Report, and previously authored the Air Quality Impact Assessment (**AQIA**) contained at Appendix 7 of the EIS. The AQIA provided similar wording to the Submissions Report, but did not state that the Applicant was currently operated as a resource transfer station, or that the processing of waste was a permitted activity carried out at the Premises.

- It is unclear why these inconsistencies between the representation of current Premises' activities occurred, and activities at the Premises should not have changed substantially in the time between when the AQIA and Submissions Report were prepared for the Proposal.
- Relevantly:
  - DA2012/175 does not appear to authorise waste processing activities or to use of the premises as a resource transfer station;
  - The Licence issued by the EPA (EPL no. 21389) currently authorises waste storage activities only, and does not permit waste processing or resource recovery activities;
  - The EIS presented that no processing of waste currently occurred on site;
  - The Submissions Report has provided that "Waste materials are currently handled and stored outside" at the Premises; and
  - Recent Nearmap imagery dated 15 March 2026, appears to affirm that stockpiling and waste storage practices at the Premises may be occurring outside of currently approved areas.

2. Air Quality

The AQIA prepared by EMM that was included within the EIS omitted key information required to assess the Proposal's predicated impacts to air quality, and did not demonstrate how the reactive management controls could prevent the predicted exceedances. As such, the EPA required the Applicant to resubmit a revised AQIA with the Submissions Report, that:

- Predicted impacts for typical-day operations under the Proposal;
- Included numerical contributions from the Proposal to the predicted PM_{10} exceedances; and
- Demonstrated, through modelling of triggers and actions, how reactive management measures in the Trigger Action Response Plan (**TARP**) for the Proposal would prevent predicted PM_{10} exceedances.

From review of the information contained within the Submissions Report, the EPA considers that the updated AQIA does not adequately address the EPA's prior concerns, and that the interpretation of the updated AQIA modelling does not justify the Applicant's preference towards Scenario 1 of the Proposal.

The EPA notes:

- The Applicant has provided an updated AQIA within the Submissions Report attached to the Proposal, as was requested.
  - The updated AQIA did not provide the modelling required by the EPA, that would quantitatively demonstrate how reactive TARP measures would prevent predicted PM_{10} exceedances.
  - The Submissions Report references the updated AQIA when reiterating preference for the Proposal's "MRF enclosure" scenario (**Scenario 1**) as compared to the "Full site enclosure" scenario (**Scenario 2**). The response provided within the Submission Report purports that both Scenario 1 and 2 present "*fully enclosed scenarios*", despite Scenario 1 including an "*open concrete yard between the weighbridge and receival building*".
  - The Submission Report provides that both scenarios 1 and 2 present "*equivalent*" and "*comparable*" environmental and compliance outcomes, as the updated AQIA modelling has demonstrated similar PM_{10} exceedances for each scenario.
- At a minimum, the EPA expects the Proposal to demonstrate that the Applicant can, and intends to, comply with its obligations under Part 5.4 of the Act, specifically, to carry out activities by all practicable means necessary to avoid, prevent, or minimise air pollution.
  - The EPA understands that the "*equivalency*" justification presented by the Submissions Report does not appear to be aligned with assessment best practice, appears to

misinterpret the AQIA modelling results, and minimises the Applicant's obligation to avoid, prevent, or minimise air pollution.
    - The EPA is of the opinion that comparison should not only be made to the count of predicted exceedances of environmental assessment criteria, and that in doing so, the Applicant has overlooked lower incremental concentrations and the overall risk reduction demonstrated by AQIA modelling presented for scenario 2.
- The Submissions Report has not provided sufficient justification to support the continued preference for a scenario that appears to present a higher level of environmental risk than the alternative proposed, nor has it adequately demonstrated that compliance with the Applicant's obligations under the Act would be achieved.
- As such, the EPA restates its expectation that the Premises be fully enclosed under any planning approval issued for the Proposal.

3. Hours of Operation

The EIS attached to the proposal contained contradictory and unclear information surrounding the proposed operating hours, equipment use periods, and definitions of operational activities. As such, the EPA required the Applicant to provide additional information:

- Define "*Processing*", and list all equipment and vehicles involved, including operating locations;
- Define "*Transport – tipping and loading*", and list all equipment and vehicles involved, including operating locations.
- Clarify contradictions between proposed operating hours in Table 3 and equipment operating hours in Table 5, including confirming whether machinery listed as operating in the night period (10 pm–7 am) would operate outside the 5 am–7 am morning shoulder.
- Confirm that "low impact activities" are as defined in the glossary and explain how those activities were determined to be low impact.

The EPA notes:

- In response to the EPA's concerns regarding contradictions and inaccuracies surrounding equipment and operating hours proposed by the EIS and supporting technical assessment, the Applicant redacted Table 5 and instead provided reference to Table 5.2 of the Noise and Vibration Impact Assessment (**NVIA**).
- The Applicant's assertion that Table 5 was "*inaccurate*" does not justify its removal from the Submissions Report.
    - There is no supporting information that provides advice as to why materially different descriptions of site operations and equipment were originally included in the EIS compared to those relied upon in the technical assessment.
    - Table 5 of the EIS and Table 5.2 of the NVIA do not represent the same operational scenario described by the Proposal, resulting in inconsistent assumptions being presented around site activities and equipment used.
- The Applicant has defined "*low impact activities*" within the Submissions Report as being "*cleaning of site and equipment, vehicle and plant machinery maintenance and sampling and testing of waste and recovered materials*"
    - The Submissions Report provides that the only *"noise generating"* equipment required to carry out these "*low impact*" activities are welders, rattle guns, and compressors within the workshop area, and a bobcat sweeper and forklift within the yard area.
    - The Submissions Report states that the noise to be generated by these activities were modelled within the NVIA supporting the EIS.
- Further noise mitigations for Scenario 1 operations during evening and night periods have not been considered as "*further operational restrictions will be too limiting on the site*";

- The EPA cannot confidently rely on the assessment to accurately characterise the potential associated impacts with the operating hours set out by the Proposal, when the response provided by the Submissions Report has affirmed the inaccuracies contained by the EIS and assessment.
- Additionally, the EPA would not support inclusion of the Applicant's proposed definitions of "*processing*" and "*transport*" in any conditions of approval for the Proposal, which would require to be implemented via conditions of the Licence. This is because:
  - Inclusion of these definitions would be inconsistent with standard EPA practice;
  - These definitions may conflict with defined terms provided under the Act and existing EPL conditions; and
  - Inclusion of these definitions may restrict the EPA's enforceability of the Licence and Act, more generally.

4. Noise

The EIS did not provide certain noise assessment as required per *Fact Sheet C of the Noise Policy for Industry*. As such, the EPA required the Applicant to undertake further assessment of "*annoying*" characteristics and "*low frequency*".

The EPA notes:

- The required assessment against Fact Sheet C of the Noise Policy for Industry was not provided within the Submissions Report.
- The Applicant justified the omission of this assessment, stating that "*Further testing during project commissioning can confirm whether annoying characteristics are present, with further mitigation explored if required*".

5. Water Management

In response to the EIS assessment provided, the EPA specifically required the Applicant to provide further and detailed information necessary to enable the EPA to adequately assess the potential impacts to waters likely to be generated by the Proposal. This included requiring the Applicant to:

- Provide a water discharge impact assessment that addresses the SEARs so that impacts to the receiving environment can be assessed;
- Provide an up-to-date characterisation of water quality at the point of discharge; and
- Provide details of any surface or groundwater mitigation, management and monitoring measures and methodologies.

The EPA notes:

- The Applicant has not provided the information required by the EPA.
- The Submissions Report had continued to rely on assumptions and outdated modelling contained within the EIS, and has not demonstrated consideration of the scale and nature of the activities per the Proposal.
- The Submissions Report provides several statements demonstrating that these general assumptions are relied upon, but that they are not supported by updated assessment and modelling.
- For example:
  - The Applicant did not provide updated MUSIC modelling, despite this being specifically addressed by the EPA as a deficiency within the EIS and required assessment.
  - The Applicant appears to justify its omission of the required modelling on the basis that the cost of procuring the modelling is "*not justified*", as upgrades to water management infrastructure by the Proposal will "*achieve the same or better reductions in pollutant loads*".

    - In reference to site water quality the Submissions Report also provides that "*the water quality of dirty water from the open yard would be expected to be similar to the water quality from the open concrete yards that occur extensively throughout industrially zoned areas in the Coxs Creek catchment*".
- The EPA believes that such statements contained within the Submissions Report:
    - Do not substitute for the omitted technical assessment required to evaluate the impacts of proposed discharges to the receiving environment;
    - Contradict with the EPA's policy that water pollution should be avoided, and the Applicant's obligations under section 120 of the Act;
    - Demonstrate that the Proposal has not considered the environmental values of water to be affected by the proposed discharge, or the practical measures that could be taken to restore or maintain those values; and
    - Do not consider the potential for cumulative impacts likely to be generated by the Proposal, upon the environmental values of receiving water bodies.
- Throughout the Submissions Report, the Applicant has expressly confirmed that water discharges are proposed to occur from the Premises, and that a "*discharge impact assessment*" was provided within Table 3.3 of the Submissions Report that characterises those proposed discharges.
    - The EPA is of the opinion that this statement is misleading in nature, as Table 3.3 of the Submissions Report does not meet the requirements of a discharge impact assessment, and has not provided the level of detail required to support or justify the proposed discharge of water from the Premises.
    - Specifically, Table 3.3 does not include:
        - Adequate assessment of pollutants likely to be discharged;
        - Modelling or quantification of predicted contaminant loads;
        - Quantitative determination of the sensitivity of the receiving environment or associated environmental risk; and
        - Evidence that the Proposal could comply with section 120 of the Act, in carrying out the proposed activities and discharges at the Premises.
- The EPA would reiterate that the current Licence does not permit discharge from the site. Condition L1.2 expressly prohibits the discharge of any water that has come into contact with waste or hardstand areas.
    - Without accurate impact assessment, updated modelling, or a quantified and demonstrated ability to comply with section 120 of the Act, the EPA cannot appropriately assess the environmental risks associated with the activities and discharges set out by the Proposal.
    - The water management system and mitigation measures put forward by the Proposal do not adequately demonstrate that contamination of water at the Premises can be mitigated, or treated prior to discharge from the Premises.
- Until adequate assessment has been provided for the Proposal, the EPA reiterates that all water generated at the Premises must be assumed to be contaminated and unsuitable for discharge, and that the Applicant should consider alternative disposal methods.

6. Waste

The EPA has considered the Applicant's response as provided by the Submissions Report, specifically surrounding requirements for further information on waste management and processes. The EPA is of the opinion that the response appears to be inadequate, contradictory, and inconsistent with relevant environmental legislation and associated waste managing guidelines.

The Applicant has provided a draft Waste Management Plan (**WMP**) within the Submissions Report, in response to the EPA's prior waste related concerns. The information provided by the WMP has re-affirmed the EPA's prior concerns relating to the Proposal's waste management processes, and has not clearly demonstrated how the proposed activities can comply with relevant legislation or regulatory requirements.

Waste management, types, and processes

The EPA considers that by the responses provided within the Submissions Report, the Applicant has failed to provide the information required by the EPA to resolve inconsistencies and omissions related to waste types, amounts, processes, and resource recovery orders (**RRO**) and exemptions (**RRE**), that were identified in the EIS.

The EPA notes:

- The responses to the EPA's concerns provided within the Submissions Report raise further contradictions or uncertainties around the waste processing activities proposed to be carried out at the Premises.
- Terminology utilised within the Submissions Report is confusing and internally inconsistent with the EIS, and does not clearly describe the nature, composition, or regulatory classification of waste materials to be processed.
- Importantly, from the responses provided by the Submissions Report, it appears that the Applicant cannot adequately demonstrate how the Premises will be operated as a Resource Recovery Facility and in compliance with relevant waste guidelines and legislation.
- The EPA previously made several requests for clarification on statements made within the EIS.
- For example:
    - The EPA requested further information on "*light material (e.g. plastics and paper*)" waste proposed to be processed at the Premises via "*air separation*".
    - From the responses provided within the Submissions Report, the EPA now understands that:
        - Plastics and paper are not separately recovered as commodities at the facility, and that "*Light materials*" do not originate from a single waste stream.
        - Instead, the term "*light material*" is used to refer to incoming mixed waste streams that are eventually separated into differing size fractions via this air process.
        - Once separated, all mixed waste "*light materials*" are combined as "*residual light wast*e" and stored within proposed Bay 11, as indicated by Figure 5, and treated as residual waste.
    - These clarifications confirm the EPA's previous concern that the Premises will not recover plastics and paper as individual waste streams, as appeared to be indicated by the EIS.
- The draft WMP contains Tables 1, 2 and 3, but the information provided across these Tables does not appear to reconcile with the information provided within the Submissions Report and EIS:
    - Table 1 "*provides a summary of waste types (as per the categories specified in the NSW EPA Waste Classification Guidelines 2014)",* Table 2 "*Waste storage details*", and Table 3 *"Indicative tonnage of each processed waste stream, its expected classification, destination and recovery/re-use rate*".
    - The WMP does not appear to adequately demonstrate how waste proposed to be received at the Premises translates into stored materials and ultimately into processed outputs and destinations.
    - For example:
        - Table 3 categorises most output materials as "*pre-classified*" waste, but the Submissions Report does not provide any further information on this.
        - *"Recovered fines or soils"* is the only waste stream output provided within Table 3 that is positively identified against "*Validation report required (waste classification report)*" column, i.e. that is not proposed to be "*pre-classified*".
        - However, the WMP does not provide adequate or further information on how this waste is to be classified in line with relevant legislation or regulatory requirements, including the Act or the *Waste Classification Guidelines*.

  - Additionally, the end recovery rates presented in Table 3 do not appears to be supported by any explanation of:
    - How these rates were calculated;
    - Whether they are based on existing operations or future assumptions;
    - How they would be monitored or reported; and
    - How variability in incoming waste composition would be managed.
  - While Table 3 indicates the proportion of material notionally recovered versus disposed, it does not reconcile the relationship between waste received, waste stored, waste processed, residuals, losses, carry-over stockpiles, etc.
- Additionally, the Submissions Report and WMP provided do not appear to adequately address the EPA's concern that the Proposal has assumed an annual, one-to-one relationship between material to be received and material to be processed and exported from the Premises.

Resource recovery orders and exemptions

The EPA is of the opinion that a functional understanding and application of relevant waste classification and RRE/O obligations, is a prerequisite to the environmentally satisfactory operation of a RRF. However, the Submissions Report has not adequately demonstrated how the Applicant will meet their regulatory requirements and obligations under the Act in their day-to-day operations of the Premises as a RRF, per the Proposal.

The EPA notes:

- The Submissions Report does not provide the information required by the EPA that was omitted from the EIS. Instead, it defers critical details to the Draft Waste Management Plan (**WMP**), which does not contain the required information.
- The Submissions Report provides contradictory statements regarding RRO waste receival and use. These contradictions raise concerns about the accuracy of the Submissions Report, the transparency of the Proposal, and whether the Applicant understands or is correctly representing the role of RRO/E waste in its operations.
- In specific response to the EPA's concerns surrounding the nature of materials to be produced under RRO per the Proposal, the Applicant has provided several conflicting and unverified statements:
- For example:
  - *"The facility will not receive waste subject to an RRO/RRE*" is directly contradicted by multiple parts of the Applicant's own documentation, including:
    - Table 1 of the Submissions Report which states that the site will receive: "Virgin Excavated Natural Material (VENM), Soil (GSW<CT1) — **Materials that meet the requirements of Resource Recovery Orders (RROs)."**
    - The Draft WMP, which states under Compliance with the Standards for Managing Construction Waste in NSW 2018 *"Exceptions to these procedures exist for material that* ***meets the requirements of an RRO on receipt****."*
  - Additionally, the Submissions Report has stated that "*Materials to be produced under a RRO will include:*

    • *Recovered Fines (Batch or Continuous Process) Order 2014 (or as updated)*

    • *Mulch Order 2016 (or as updated)*

    • *any other General Resource Recovery Order and Exemption that may be developed in the future that is relevant for the Site*

    • *any relevant Specific Resource Recovery Order that may be obtained for the Site*."
  - While the WMP only directly refers to two RRO (*Recovered Fines (Batch or Continuous Process) Order 2014*, and *Mulch Order 2016*), and does not clearly demonstrate how it will comply with these by carrying out the activities per the Proposal.

    - While RRO require applicable material to meet specific conditions, the WMP and Submissions Report have failed to demonstrate how these conditions would be met.
    - For example, the Mulch Order 2016 determines that processors must ensure that the material does not contain asbestos, treated or engineered timber, physical contaminants, and pests, weeds or diseases (where relevant).
    - The draft WMP provides no procedure for demonstrating compliance with these obligations prior to export, beyond high level statements.
  - Additionally, the Applicant has stated that "*The EPA administers the compliance framework for RROs. From time to time, the EPA may very [sic] an issued RRO, to reflect changes in EPA legislation or policies or for other reasons. Therefore, Aussie Skips seeks the flexibility to apply relevant RROs in accordance with this compliance framework and to adopt any future updates issued by the EPA. This will ensure the facility remains aligned with regulatory requirements.*"
    - The EPA is uncertain as to what "*flexibility*" the applicant is requesting by this statement, in relation to the Proposal and their application of RRO for material to be produced at the Premises.
- In response to the EPA's concerns relating to controls surrounding RRO proposed to be generated by the Proposal, the Applicant has claimed within the Submissions Report that "*Independent assessment of RROs by a qualified third party will occur*."
  - However, processes set out by the Draft WMP appear to assign all RRO/E related assessment, review, and approval functions to the relevant, in house "Environmental Advisor" employed by Aussie Skips.
  - Relevantly, the EPA understands that:
    - James Hammond (4Pillars' CEO) holds the role of Environmental Advisor for Aussie Skips, and at the Premises;
    - Mr Hammond is listed as the Environmental Advisor for Aussie Skips under several of the Pollution Incident Response Management Plans (**PIRMP**) made publicly available for the Premises;
    - Mr Hammond and 4Pillars were responsible for preparing the EIS attached to the Proposal, progressing the Proposal on behalf of the Applicant, and appears to be embedded in the Applicant's environmental management and operational structure under the *"EnviroNow*" service agreement with the Applicant; and
    - Per the WMP appendices, Mr Hammond is also listed as Aussie Skips' Environmental Manager, and his phone number is also listed next to the "*Compliance Officer*" and customer contact for any RRO related enquiries for the Premises.
  - The WMP has not provided when, how, and where the "*independent assessment of RRO by a third party*" occurs within the Proposal's RRO and operational processes, as were put forward by the Submissions Report and WMP.
    - It does not appear that processes are in place for output materials to be exported for external assessment and/or classification, that would demonstrate compliance with the relevant RRO requirements;
    - References are made to the proposed "*assessment*" processes for RRO material within Appendices 1, 2 and 3 of the WMP. However, it is unclear as to what the documents contained within these Appendices are, their proposed functionality, or how these documents would enable the Applicant to meet their RRO requirements and legislative obligations in carrying out the waste related activities set out by the Proposal.
  - While the WMP has stated that customers may be provided with "*RROE Classification/Results Report or Statement of Compliance*."
    - These documents do not appear to be provided within the Submissions Report or the WMP; and

    - It is not clear who generates these documents, at what stage of the waste management process they are generated, and what relevant certification that generator will provide.

Waste Storage and Fire Safety Guidelines

The EPA previously required the Applicant to demonstrate that the Proposal would comply with the *Fire Safety Guideline – Fire Safety in Waste Facilities 2020* (**Fire Safety Guideline**), specifically that all stockpile heights must be restricted to 4m regardless of material combustibility.

The EPA notes:

- No fire safety study or additional assessment has been provided within the Submissions Report, in apparent contradiction with assertions that are simultaneously provided in response to other Agency EIS submissions:
    - The Applicant has not submitted a Fire Safety Study, performance solution, or any revised assessment that would justify the Proposal's deviations from the Fire Safety Guideline.
    - The Submissions Report nonetheless recognises DPHI and Fire and Rescue NSW (**FRNSW**) submissions on the EIS, stating that "*FRNSW has provided a submission identifying the need for a Fire Safety Study to demonstrate compliance with FRNSW guidelines*", and states that this request is "*acceptable*".
- The Applicant has continued to assert the Proposal's consistency with the Fire Safety Guideline within the Submissions Report. However, this compliance is not demonstrated by their response that has referenced two alternative resource recovery facility SSDs conditions of approval.
    - This is despite the EIS and supporting Appendix 14 – "*Fire Risk Assessment*" including technical inconsistencies and contradictions that remain unaddressed by the Submissions Report, but repeat several contradictions in interpretation within Appendix C – WMP. For example:
        - The scope of the EIS Fire Risk Assessment appears to have applied a lower combustible waste volume (2,900 tonnes) to the risk assessment, as compared to the 3278 tonnes of combustible material proposed to be stored at the Premises under Section 11 "Fire Risk Management" of the EIS.
        - Section 11 goes on to state that internal Stockpiles 1, 2 and 3 will comply with Section 8.5 requirements, yet accompanying Table 31 of the EIS identifies Stockpile 1 (combustible, mixed building and demolition waste) as having a maximum volume of 1,500 m^3, which appears to exceed the 1,000 m^3 limit outlined by the Fire Safety Guideline.
        - The Submissions Report and WMP have now correctly referred to the 1,000m^3 limit, and state that stockpiles will be limited to this volume, but have not addressed the contradictions remaining within the EIS.
- The EPA would highlight that per the Fire Safety Guideline:
    - Section 8.2 "*Storage and stockpiles*" states that "*the maximum height of any stockpile, loose piled or baled, should not exceed 4m*" and that variations to these requirements will be considered through an "*appropriate pathway such as a performance solution*".
    - Section 8.5 "*Internal stockpiles*" states that that "*the maximum internal stockpile size in a building fitted with an automatic fire sprinkler system should be 1,000 m^3*".

<u>END OF ATTACHMENT A</u>