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Attention: Jeffrey Peng – Senior Environmental Assessment Officer

EPA advice on proposal following finalisation of Western Sydney Aerotropolis Precinct Plan – 275 Adams Road, Luddenham – SSD-10446

Dear Jeffrey

Thank you for Public Authority Consultation (**PAE-42447649**), requesting the NSW Environment Protection Authority (**EPA**) provide advice to the Department of Planning and Environment (**DPE**) in relation to operational noise and air quality impacts associated with the SSD-10446 for a proposed resource recovery facility at 275 Adams Road, Luddenham (**the Premises**).

The proposal, submitted by Coombes Property Group and KLF Holdings Pty Ltd (**the Applicant**), involves the construction and operation of a resource recovery centre processing up to 600,000 tonnes (**t**) per annum.

The EPA has provided advice in relation to operational noise and air quality impacts associated with the proposal previously, most recently on 28 January 2022 (EPA reference DOC 21/1117696-4). As the Western Sydney Aerotropolis Precinct Plan (**the Plan**) has since been finalised, DPE are requesting that the EPA provide advice on operational noise and air quality impacts of the proposal with consideration of the Plan.

Please see Attachment 1 for the EPA's advice regarding operational noise and air quality impacts associated with the proposal.

The EPA has further reviewed proposal and notes that waste management at the Premises was not previously commented upon by the EPA. Please see Attachment 2 for the EPA's recommended conditions in relation to waste management and Attachment 3 for the EPA's comments regarding proposed future development at the Premises.

If you have any questions about this request, please contact Kieran Henry on 02 8837 6000 or via email at Kieran.Henry@epa.nsw.gov.au.

Yours sincerely

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Attachment 1 – Advice on operational noise and air impacts following finalisation of the Plan

a. Noise Impacts

Noise Impact Assessment

It appears the Environmental Impact Statement (EIS) and its supporting Noise Impact Assessment (NIA) were prepared prior to the release (on the 25 March 2022) of the Plan. While the NIA appears to have considered the previous draft Aerotropolis Precinct Plan and its supporting technical studies prepared in 2015, it is important that the development application address the current contemporary requirements and settings in the Plan and its supporting planning framework. This includes ensuring the development meets the objectives of the Agribusiness zone and recognition of existing uses and compatibility with existing and permitted development on surrounding land.

It is unclear if the NIA has addressed the range of uses and activities identified in DPE's request including a local centre (where a childcare centre is proposed) and Cosgroves Creek Park. In this regard it is important that DPE's assessment of the application consider such sensitive uses and activities being enabled by the Plan, including during any transitional period. For example, Section 5.5 of the Plan includes a transitional framework that should be addressed including a requirement (LU3) where industrial development should provide a plan of management to demonstrate the management of land use conflicts with adjacent uses during the transitional period.

Evening and night-time operations

Based on information to date and as highlighted in the EPAs letter dated the 22 January 2022 (reference: DOC21/1117696-4), the EPA had recommended a moratorium on evening and night-time operations due to several residential receivers being potentially impacted by noise. The Proponent has proposed to restrict evening and night-time operations until operations at Western Sydney Airport are properly underway. Such a moratorium should be secured as a condition of approval if consent is granted. While some of these residential receivers may also experience significant residual noise impacts during daytime operations where a further condition of approval is needed to ensure property noise mitigation treatments are delivered and validated.

b. Air Impacts

Air Impact Assessment

The revised AQIA included the Hubertus Country Club and the Hubertus Country Club outdoor firing range as receptors in assessing potential air quality impacts. The receptors are labelled as C1 and AR1 respectively. Exceedances of the EPA's impact assessment criteria are not predicted at these receptors for Total Suspended Particles (TSP), PM10 or PM2.5

The revised AQIA includes receptors R4, R5 and R7 which appear representative of potential future land uses in the vicinity of 145 Adams Rd Luddenham. Exceedances of the EPA's impact assessment criteria are not predicted at these receptors Total Suspended Particles (TSP), PM10 or PM2.5.

The revised AQIA has not explicitly included Cosgrave Creek Park as a discrete receptor. However as previously advised, the EPA consider the risk of significant emissions and impacts associated with the operation of the proposed resource recovery facility is low on the basis that the proposal includes:

- The premises is to be sealed, minimising potential wheel generated dust.
- Commitments to US EPA Tier 4 standards for non-road diesel equipment; and

- Undertaking material handling and storage within an enclosed building.

Access to and departure from the Premises via the Northern Road

The EPA considers this question has been asked in relation to other environmental issues (such as road noise). For the purposes of undertaking licencing functions, and consideration of potential air quality impacts from the proposed operations within the Premise's boundary, it is not a matter for EPA's consideration.

Attachment 2 – Recommended conditions for waste management

a. The types of waste permitted to be accepted at the Premises is not clear in the EIS

The EPA recommends that a condition limiting the types of waste permitted to be accepted at the Premises be included to avoid wastes being accepted that have not been adequately accounted for in the EIS.

The EPA recommends limiting the waste types to those clearly listed in Table 2.5 of the EIS and as described in the EPA's recommended condition below.

Of note, waste tyres and rail ballast have not been included in the EPA's recommended condition due to the lack of information provided in the EIS and the potential for these wastes to have a significant environmental impact. Further, neither of those waste types were listed as incoming wastes in Table 2.5 of the EIS.

The EPA notes the EIS briefly mentions 'sweepings' on page 30 in reference to the receival of asphalt waste. It is unclear what is meant by this term however the EPA considers that it is not appropriate for any waste derived from 'sweepings' to be received at the Premises under the proposal and this is not a waste which is permitted under any of the listed waste types in the recommended conditions below.

Recommended Condition

i. The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, and as set out below:

Waste	Description	Activity	Other Limits
Building and demolition waste	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Garden waste	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Wood waste	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Glass, plastic, rubber, plasterboard, ceramics, bricks, concrete or metal	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Paper or carboard	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Asphalt waste (including asphalt resulting from road construction and waterproofing works	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Cured concrete was from a batch plant	As defined in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
Soils	Must meet the classification of general solid waste (non-putrescible) as defined in the POEO Act (in force from time to time)	Resource recovery Waste storage	Arsenic 40mg/kg; Cadmium 2mg/kg; Copper 200mg/kg; Mercury 1.5mg/kg; Zinc 600mg/kg; Petroleum Hydrocarbons C6-C9 150mg/kg; Petroleum Hydrocarbons C10-C36 1600mg/kg; Polycyclic Aromatic hydrocarbons 80mg/kg; Polychlorinated Biphenyls (individual) 1mg/kg

			No Acid Sulfate Soil or Potential Acid Sulfate Soil is to be received at the Premises Soil thresholds will be subject to review from time to time
Excavated natural material	Must comply with all of the requirements of the Excavated Natural Material Order (as in force from time to time)	Waste storage	

b. Use of resource recovery framework

The EPA notes that the proponent advised that several general resource recovery orders and exemptions will be utilised when the facility commences operations. The proponent must ensure that the operation of the resource recovery centre will meet the requirements of any general resource recovery orders and exemptions proposed to be utilised. If any of the activities to be conducted at the resource recovery centre requires a resource recovery order and exemption that does not meet the requirements of a general resource recovery order and exemption, an application must be submitted to the EPA for any necessary specific resource recovery order and exemption. Any specific resource recovery order and exemption required must be approved prior to the issue of the Licence and operations commencing.

Recommended Condition

i. The requirements of any resource recovery order and exemption applicable to the waste at the premises must be complied with at all times.

c. Stockpile height

The EPA recommends that stockpile heights are limited to six (6) metres to reduce the potential for environmental impacts from poor stockpile management (i.e. dust generation).

The EIS considers stockpiles eleven (11) metres heigh. The EPA considers that stockpiles higher than four (4) or five (5) metres at waste facilities are not generally appropriate due to the potential for greater environmental impacts.

The EPA notes that the proponent has identified a maximum amount of 34,515 tonnes of waste to be stored at the Premises at any one time. The proponent should be aware that this amount is generally set by the EPA at the licensing stage and will be a condition on any licence. The EPA calculates the amount based on several factors which includes the waste activities area, the density of the waste, and the stockpile heights. This is to ensure the waste stored at the facility can be managed appropriately and to minimise the environmental impacts from the storage of waste. This can be discussed further with the proponent at the licensing stage.

Notwithstanding the above, a maximum stockpile height of 6 metres should not limit the maximum storage amount nominated by the proponent.

Recommended Conditions

i. The maximum height of any stockpile at the premises must not exceed 6 metres.

ii. Permanent stockpile height markers must be installed and maintained at the premises. The markers must show the stockpile height limit of 6 metres and be positioned so that a visual check can be made of all stockpiles at the premises.

d. Potential for offensive odours from Green Waste

The EPA recommends that a condition limiting the storage of green waste on the Premises to within 72 hours of receipt of the green waste is included to minimise the potential for offensive odours to be generated.

The EPA will limit the tonnage of garden waste permitted to be stored at the Premises during the licensing stage.

e. The EIS does not include sufficient details on operational waste management

The EPA recommends that a condition requiring further details on waste management be provided, via an operational waste management plan, prior to commencement of operations.

Recommended Condition

Prior to the commencement of operations, the Applicant must prepare an Operational Waste and Material Management Plan and submit this plan to the EPA and DPE. This plan must:

- Be prepared by a suitably qualified and experienced person/s;
- Be prepared in consultation with the EPA;
- Include detailed information, procedures, and processes for ensuring compliance with the requirements of the EPA Standards for managing construction waste in NSW;
- Include a detailed assessment of the waste management processes to be undertaken during operation. This includes at a minimum but was not limited to:
    - details of the sources of waste to be received;
    - details of the types and quantities of each type of waste to be received;
    - details of the maximum volume of the overall amount of waste to be stored at any one time as well the maximum volume for each waste type;
    - details of the maximum annual throughput of waste as well as the maximum annual volume for each waste type;
    - a detailed description of the processing procedures for each waste type;
    - a detailed description of the storage procedures and areas for each waste type;
    - a detailed description of the unloading and loading procedures and areas for each waste type;
    - a description of how the EPA's record-keeping and reporting requirements will be met, including weighing material in and out;
    - detailed information regarding the type and quantities of materials to be produced and their intended fate;
    - the intended fates of all other waste received/produced on site which are not suitable for re-use;
    - any testing and/or sampling procedures relevant to each waste type;
    - details of any materials produced under a Resource Recovery Order, and the controls/procedures in place for meeting the conditions of that order; and
    - a description of procedures for dealing with non-conforming waste and materials (i.e. waste not permitted to be received);
    - detailed information regarding how waste will be managed during receival, processing, and storage to ensure the prevention and/or minimisation of any potential environmental impacts;

- detailed information regarding the classification of each type of waste to be received, processed, and stored in accordance with the EPA Waste Classification Guidelines and, where relevant, provide a definition for each type of waste under clause 49 of Schedule 1 of the Protection of the Environment Operations Act 1997 (where a waste does not meet a definition under clause 49 a detailed explanation must be provided as to how the waste was and/or will be classified); and
- a characterisation of the physical and chemical contact of each waste type where relevant.

f. Excavated natural material

Under the resource recovery framework, excavated natural material (**ENM**) does not include material that has been processed. The Applicant must ensure that ENM received at the Premises is stored separately and not processed.

Recommended Conditions

i. All incoming loads of Excavated Natural Material must have been individually validated as compliant with the Excavated Natural Material Order (as in force from time to time) prior to being accepted at the premises.

ii. Excavated Natural Material is not permitted to be processed in any way at the premises, however, Excavated Natural Material from a single source may be combined into larger loads.

iii. Excavated Natural Material from each source must be stored in separate, clearly marked bays.

iv. Records for each load of Excavated Natural Material must be readily available onsite and must be provided to any officer from the EPA that requests to inspect them.

g. Soil washing

Soil washing is proposed as a waste processing activity at the Premises. Treated water and wastewater is proposed to be used for this. No explanation has been provided regarding this process or why it is necessary for soil to be washed. It is not possible for treated water or wastewater to be used to wash soil as this will contaminate the waste. The EPA may consider the use of potable water if adequate justification can be provided as to why it is necessary for the soil to be washed along with sufficient evidence that this will be able to be adequately managed. However, even if solely potable water can be utilised, the washing of soil has the potential to cause significant and unnecessary environmental impacts due to the generation of leachate.

Recommended Conditions

i. The washing of waste with treated water and/or wastewater must not occur at the premises. The use of any other water to wash waste is not permitted at the premises unless expressly provided by a licence under the Protection of the Environment Operations Act 1997.

h. Other recommended conditions

<u>Waste management</u>

i. The maximum amount of waste permitted to be received at the premises is 600,000 tonnes in any 12 month period.

ii. All waste received at the premises including for storage, processing, and resource recovery, must be assessed and classified as per the EPA Waste Classification Guidelines, as in force from time to time.

iii. Putrescible waste, restricted solid waste, hazardous waste, special waste, and asbestos waste must not be received at the premises.

iv. All non-conforming waste received at the premises must be disposed of at a facility that can lawfully receive that waste type within 72 hours of receipt.

v. All waste removed from the premises must only be directed to a facility or premises lawfully permitted to receive that waste.

vi. The requirements set out in the EPA Standards for managing construction waste in NSW, as in force from time to time, must be complied with at all times.

vii. There must be no burning or incineration of waste at the premises.

viii. All waste must be stored within the designated waste storage areas.

ix. All waste must be loaded and unloaded within the designated loading and unloading areas.

x. Waste stored in bays must be contained wholly within the bays.

xi. Each type of waste stored on site for recovery/recycling must be stockpiled separately.

xii. There must be a dedicated quarantine area inside the warehouse at the premises.

xiii. The wheel wash must be constructed as a closed system with all runoff, sediment, sludge and leachate to be captured from the wheel wash and disposed of to a facility that can lawfully receive that waste.

<u>Dangerous Goods</u>

i. The premises must be designed and constructed to meet the specifications and requirements outlined in AS 1940 – The storage and handling of flammable and combustible liquids.

ii. All above ground tanks containing chemicals capable of causing harm to the environment if they spill or leak must be stored within a covered and bunded area, or within an appropriate alternative spill containment system that achieves the same outcome.

iii. Bunds must:

- Have walls and floors constructed of impervious materials;
- Be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
- Have floors graded to a collection sump; and
- Not have a drain valve incorporated in the bund structure

or be constructed or operated in a manner that achieves the same environmental outcome

Attachment 3 – Comments on proposed future development

While it does not form part of this state significant development application (SSD-10446), the EPA notes from the information provided about the quarry rehabilitation, the proposed use of waste to fill in the quarry would result in this being the operation of a landfill.

The proponent should be aware this would require a new environment protection licence (separate to any environment protection licence issued for a resource recovery facility under this application) for the operation of a waste disposal facility. As such, this would be subject to all the requirements under the waste framework including the waste levy.

The proponent advised that the proposal regarding the quarry rehabilitation would be subject to a modification application for the existing quarry consent and the associated licence. It is the firm view of the EPA this would not be appropriate given the operation of a quarry is not substantially the same development as the operation of a landfill. The EPA expects a new development consent application to be submitted for the operation of a landfill and will not consider the proposal unless this occurs.