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EPA Advice on Submissions Report

Dear Mr Zhang

Thank you for the request for advice from the NSW Environment Protection Authority (EPA) in relation to the Response to Submissions for the proposed Rooty Hill Materials Recycling Facility (SSD-29999239) (the Proposal) at Lot 67 DP804292, known as 600 Woodstock Avenue, Rooty Hill NSW 2766 (the Premises).

The EPA understands Charter Hall Pty Ltd (the Applicant) is proposing the construction and operation of a materials recycling facility with the capacity to process up to 120,000 tonnes of waste per annum at the Premises. The EPA understands the Applicant is partnering with Cleanaway Pty Ltd for the Proposal.

The EPA has reviewed the *Materials Recycling Facility, 600 Woodstock Avenue, Rooty Hill Response to Submissions – SSDA-29999239* prepared by Urbis Pty Ltd and dated 10 August 2022 (the RTS) and the associated documents.

Based on the information provided, both the construction and operation of the facility under the Proposal will require an Environment Protection Licence (EPL) in accordance with the *Protection of the Environment Operations Act 1997* (the Act).

On 22 April 2022, the EPA provided a submission regarding the Proposal following review of the Environmental Impact Statement (the EPA Submission). The EPA Submission required a number of matters be addressed to enable an adequate assessment of the potential environmental impacts.

The RTS has not sufficiently addressed all matters raised in the EPA Submission including:

- Identification and classification of waste streams
- Handling, management and disposal of waste – nonconforming waste
- Water quality impacts

As such, the EPA requires further information regarding these matters to conduct an adequate assessment. Further detail regarding the information required is set out in Attachment A.

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The EPA has determined that the matters raised in the EPA Submission regarding noise and vibration have been sufficiently addressed. Recommended conditions for noise and vibration are provided in Attachment B.

The EPA has identified minor matters for which no further information is required and comments are provided for information purposes only. Further detail regarding these matters is set out in Attachment C.

If you have any questions about this request, please contact Melis Hurriyet on 8837 6386 or via email at melis.hurriyet@epa.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "e. Watson". The signature is written in a cursive, lowercase style.

ELIZABETH WATSON
Unit Head Regulatory Operations Metro
Environment Protection Authority

ATTACHMENT A

The EPA requires the provision of additional information and the following matters to be addressed to enable the EPA to adequately assess the potential environmental impacts from the following concerns:

Waste

The EPA Submission advised insufficient information had been provided regarding the identification, classification, handling, management and disposal of waste under the Proposal and required the provision of additional information. The EPA has reviewed the RTS and the *Waste Management Plan* prepared by SLR Consulting Australia Pty Ltd and dated 28 June 2022 (the WMP). The RTS and WMP have not sufficiently addressed all of the matters set out by the EPA.

Permitted (conforming) waste identification and classification

Section 5.1 and Tables 18 to 21 of the WMP identify the incoming waste streams for the Proposal, however, the information is unclear and/or inconsistent. Examples are listed below.

- There are a number of incoming wastes listed in Tables 18 to 21 under 'Commodity' or 'Product' which are not waste types defined in the Act and are too broad such as "waste", "non-putrescible waste", and "putrescible waste".
- The list of incoming waste streams is different in Tables 18 to 21.
- Incoming waste streams are incorrectly classified in accordance with Schedule 1 of the Act in Table 18.
- Some of the incoming wastes listed in Tables 18 to 21 should not be included as they are not appropriate to be received at a facility of this nature such as putrescible waste or hazardous wastes.

As a result, it is not apparent which types of waste are intended to be received as permitted waste under the Proposal.

The RTS and WMP advise the sources of waste to be received will be limited to recyclable (yellow bin) waste collected within the Blacktown City Council (Council) area and cardboard from Cleanaway's commercial customers. The Council website identifies the household waste types which are permitted to be recycled to paper, cardboard, juice and milk cartons, plastic bottles and containers, glass bottles and jars, and steel and aluminium cans.¹

The EPA requires the following to be addressed:

- i) *Each waste type proposed to be received at the Premises must be clearly identified. For each waste type, it must be set out which definition that waste meets under clause 49 of Schedule 1 of the Act and be classified in accordance with the Guidelines. For example – paper meets the definition of clause 49(1)(b) 'paper or cardboard' which has been pre-classified as general solid waste (non-putrescible) under the Guidelines.*

For any waste type proposed to be received which does not meet a definition and has not been pre-classified, detailed information must be provided as to how that waste has been classified under the Guidelines, such as chemical assessment.
- ii) *Confirmation must be provided that only waste types which have been classified as general solid waste (non-putrescible) will be permitted to be received at the Premises. Waste types which meet any other classification are not suitable wastes to be received at a facility of this nature.*

¹ <https://www.blacktown.nsw.gov.au/Services/Waste/Waste-and-recycling-service#section-4>

Note: The EPA acknowledges that from time to time a waste may be identified in a load or stockpile which is not a waste type permitted to be received at the Premises. However, any waste which is not permitted to be received must be considered non-conforming waste and managed as such.

Handling, management and disposal of non-conforming waste

The RTS and WMP do not provide sufficient information regarding the management of non-conforming waste received at the Premises. This is only briefly discussed in section 5.2.3.3 of the WMP and is very limited in detail and scope.

Due to the lack of information, it cannot be assured that any non-conforming material which is received at the Premises will be able to be adequately managed to minimise the environmental risk posed, particularly for any high-risk non-conforming waste such as hazardous waste.

The RTS advises that hazardous waste will not be received at the Premises. The EPA notes there is the potential of non-conforming waste including hazardous waste being received at the Premises given the source of the majority of the waste is not strictly controlled (household recyclable waste).

The EPA is concerned that it appears loads of waste will only be inspected following the departure of the truck which was carrying that load. This prevents the rejection and re-loading of non-conforming waste so that it can be immediately removed from the Premises which is the best practice method for managing non-conforming waste and preventing potential environmental impacts from that waste at the Premises.

The RTS and WMP advise there will be an interim storage location for non-conforming wastes which will be used as quarantine which is not sufficient. There must be a permanent quarantine location at the Premises which is solely used for this purpose.

The EPA requires the following to be addressed:

- i) Detailed information must be provided regarding the management of non-conforming waste including general solid waste (putrescible), contaminated waste, and hazardous waste. Methods for the detection and removal of non-conforming waste must be clearly set out. Management methods must be provided with reference to the stage at which any non-conforming waste is identified and with consideration of best practice.*
- ii) A permanent and dedicated quarantine area must be in place at the Premises. The quarantine area must be used solely for this purpose and be suitable for the storage of hazardous or contaminated waste.*

Information regarding conforming and non-conforming waste to be separated

The RTS and WMP do not clearly set out which types of waste will be permitted to be received (i.e. conforming waste) and which will be non-conforming waste. The EPA expects information regarding conforming and non-conforming waste to be addressed separately so the distinction between these is clear and unambiguous. There are differing potential environmental impacts and handling and management requirements depending on whether a waste is conforming or non-conforming. As such, an adequate assessment of the Proposal cannot be conducted without this being addressed sufficiently.

The EPA requires the following to be addressed:

- i) Information regarding conforming and non-conforming wastes to be addressed separately to establish a clear distinction.*

Water Quality Impacts

The EPA Submission advised aspects of the information provided regarding water management was insufficient and the potential for the pollution of waters had not been addressed. As such, the EPA required a number of matters to be addressed regarding water management. The RTS has not sufficiently addressed all of the matters set out by the EPA.

Potential water pollutants

The RTS states the facility is not expected to generate any pollutants. The EPA notes that even where all waste activities are conducted inside a fully enclosed building, waste and materials may be tracked onto external surfaces. This can result in waste and materials entering the stormwater system leading to the potential pollution of water.

For facilities of this nature, it is the experience of the EPA that the potential pollutants which are tracked out of buildings includes leachate and litter.

The EPA requires the following to be addressed:

- i) Any waste, such as litter and leachate, which may impact water quality at the Premises must be identified. The quality and quantity of litter must be estimated by source and discharge point.*

Leachate management

The EPA Submission requested information on how leachate generated from the receipt of waste will be contained and managed.

The RTS provides further detail and information regarding stormwater management at the Premises, but no information has been provided regarding the management of leachate. As such, it is unclear if leachate will be able to be adequately contained and managed in order to prevent any potential environmental impacts such as pollution to water.

Leachate is any liquid which comes into contact with waste. A potential source of leachate under the Proposal would be from wet or liquid filled, incorrectly disposed of liquids in the yellow bin and rainwater collecting in the yellow bin. Liquid can pool in the base of the yellow bin and potentially form leachate which would be tipped out by trucks at the Premises and subsequently into the receipt bays. As this is not stormwater, leachate requires separate management, containment, and treatment strategies.

The EPA requires the following to be addressed:

- i) It must be advised as to how leachate will be contained within the facility and how leachate will be managed including how leachate generated from the receipt of waste will be contained and managed. Consideration should be given to leachate management options such as temporary capture of leachate in a blind pit that is regularly pumped out, or a pit connected to sewer under a trade waste agreement.*
- ii) If it is proposed for leachate to be treated, detailed information must be provided regarding any leachate treatment system.*

Wheel wash

In the EPA Submission, it was advised that best practice waste facilities utilise a wheel wash to reduce the risk of contaminants being tracked out onto public roads and into local stormwater drains and networks. The EPA noted a wheel wash not considered for the Proposal and required a wheel wash be included or the provision of an evidence-based justification where installation is not proposed.

The EPA notes the Proposal has not been revised to include a wheel wash and the RTS did not include a sufficient justification nor any evidence-based justification as to why a wheel wash was not proposed to be installed.

No information is provided as to why there are space constraints at the Premises which prevents the installation of a wheel wash as advised in the RTS. This does not appear congruent with the size of the Premises and the scale of the facility.

Vehicle wheel washes are a commonly used control measure to ensure materials are not tracked onto public roads at a wide range of waste facilities across NSW, including facilities that have both unsealed surfaces and hardstand pavements.

It is the experience of the EPA that waste facilities are unlikely to be able to appropriately prevent the tracking of materials from their premises, even when waste activities occur in fully enclosed

buildings, without the installation of a wheel wash supported by a comprehensive suite of other management measures (such as but not limited to routine hardstand cleaning and the inspection of all vehicles prior to exiting premises).

The EPA requires the following to be addressed:

- i) Given no evidence-based justification has been provided and due to the reasons set out above, the Proposal must be revised to include a wheel wash to ensure contaminants are not tracked from the Premises onto public roads.*

ATTACHMENT B

The EPA considers sufficient information has been provided to enable the EPA to adequately assess the Proposal for the following environmental concerns and provide recommended conditions of consent.

Noise and vibration

The EPA required further information be provided regarding noise and vibration in the EPA Submission. The EPA has reviewed the RTS and the following documents:

- The revised *Acoustic Report* prepared by Acoustic Works and dated 20 May 2022.
- The *Construction Noise and Vibration Management Plan* prepared by Acoustic Works and dated 20 May 2022.

The EPA has determined it is able to provide recommended conditions of consent in relation to noise. The EPA recommends the following conditions be included:

1. Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Any residence	40	35	35	52

2. For the purposes of Condition 1:
 - a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
 - b) Evening means the period from 6pm to 10pm.
 - c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.
3. The noise limits set out in Condition 1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability categories E and F with wind speeds up to and including 2m/s at 10m above ground level.

For those meteorological conditions not referred to in in the above table, the noise limits that apply are the noise limits in Condition 1 plus 5d.

4. For the purposes of Condition 3:
 - a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Horsley Park Equestrian Centre Automatic Weather Station.
 - b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - i. Sigma theta.
5. To assess compliance:

- a) With the $L_{Aeq(15 \text{ minutes})}$ or the L_{AFmax} noise limits in Conditions 1 and 3, the noise measurement equipment must be located:
 - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve at a sight or track used for active or passive recreation,
 - iv. at any other location identified in Condition 1.
- b) With the $L_{Aeq(15 \text{ minutes})}$ or the L_{AFmax} noise limits in Conditions 1 and 3, the noise measurement equipment must be located:
 - i. at the reasonably most affected point at a location where there is no residence at the location; or,
 - ii. at the reasonably most affected point within an area at a location prescribed by Condition 5(a).
6. A non-compliance of Conditions 1 and 3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in Conditions 5.a) or 5.b). The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.
7. For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) should be applied, if appropriate, to the noise measurements by the noise monitoring equipment.
8. Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.
9. Where direct measurement of noise from the premises at locations required by Conditions 1-7 is not possible, alternative means of demonstrating compliance may be negotiated with the EPA.
10. The following points referred to in the table below are identified for the purposes of noise monitoring and determining compliance with noise limits applicable for the premises.

EPA identification no.	Type of monitoring point	Location description
1	Noise monitoring	24 Polonia Avenue Plumpton NSW
2	Noise monitoring	6 Wolseley Street Rooty Hills NSW

11. Attended noise monitoring must be undertaken in accordance with Condition 5 and must:
 - a) Occur at each monitoring point specified in Condition 5;
 - b) Occur within 30 days of commencement of operations and subsequently annually;
 - c) Occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of 1 hour during the day, evening and night period respectively at each monitoring point specified in Condition 10;
 - d) Where the contribution of noise from the premises cannot be determined by direct measurement alternative means of demonstrating compliance must be used to the satisfaction of the EPA.

12. Where required in writing, attended monitoring at sensitive receivers must be undertaken in addition to the monitoring required by Condition 11.
13. Subject to any express provision to the contrary, measurement and analysis of noise required by this licence must be done in accordance with the *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW*.
14. A Noise Compliance Assessment Report must be submitted to the EPA within 60 days of commencement of operation and subsequently annually. The assessment must be prepared by a competent person and include:
 - a) An assessment of compliance with noise limits presented in Conditions 1 and 3; and
 - b) An outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Conditions 1 and 3;
 - c) Where exceedances of noise limits are identified the report must identify the cause and corrective and preventative actions implemented and/or proposed to ensure compliance with the noise limits.
15. A Noise Management Plan that covers all premises based activities and transport operations must be prepared and implemented. The plan must include but need not be limited to:
 - a) All measures necessary to satisfy the noise limits in this approval at all times;
 - b) Measures and practices, including management measures, that will be applied to seek to identify and eliminate impact noise events from controlled and uncontrolled contact between product to product and product to process activities (including transport activities) including but not limited to raw material unloading, product loading and all process activities on the development site;
 - c) A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility;
 - d) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable;
 - e) Measures to monitor noise performance and respond to complaints;
 - f) Measures for community consultation including site contact details; and
 - g) Noise monitoring and reporting procedures.
16. A Traffic Noise Management Strategy (TNMS) is to be developed prior to commencement of construction and operation activities to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied. This must include but need not be limited to:
 - a) Driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
 - b) Best noise practice in the selection and maintenance of vehicle fleets;
 - c) Movement scheduling where practicable to reduce impacts during sensitive times of the day;
 - d) Communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;
 - e) A system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimization procedures) and assesses the implementation and improvement of the TNMS;
 - f) Specific procedures for drivers to minimize impacts at identified sensitive receivers; and
 - g) Clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimization procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

17. All fixed plant and equipment shall be designed, installed and operated so that the vibration levels for human comfort in the *“Assessing vibration – A technical guideline”* (DEC, 2006), Table 2.2 are achieved for all locations for occupied spaces outside of the development site.

Definitions

- Noise Policy for Industry - the document entitled *“Noise Policy for Industry”* published by the NSW Environment Protection Authority in October 2017.
- Noise – ‘sound pressure levels’ for the purposes of Conditions 1 to 8.
- $L_{Aeq}(15\text{ minute})$ - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).

ATTACHMENT C

The EPA has identified minor matters for which further information is not required, however, is highlighting for the information of the Applicant. The EPA recommends the Applicant note the following:

Environment Protection Licence

The Proposal will require an EPL to enable the lawful operation of the facility. All activities proposed to occur at the Premises would be regulated by the EPA under any such EPL.

The EPA notes the RTS has not set out the scheduled or ancillary activities as required by the EPA Submission, however, the EPA has determined this can be addressed at the licensing stage.

It is ultimately the responsibility of the Applicant to identify all applicable activities under the Proposal, however, the EPA notes it appears from the Proposal that the applicable scheduled activities would be limited to the following activities under Schedule 1 of the POEO Act:

- Clause 34 – Resource Recovery.
- Clause 42 – Waste Storage.

Transport of waste from the Premises

In the EPA Submission, the EPA advised waste cannot be transported from the Premises to the ResourceCo PEF Plant (ResourceCo) as ResourceCo is not permitted to receive that waste. This was not addressed in the RTS and ResourceCo remains in the WMP as a facility which will receive waste from the Premises.

The EPA notes that, in accordance with section 143 of the Act, any waste transported from the Premises may only be transported to a place which can lawfully receive that waste. It must be ensured that any waste transported from the Premises is only transported to and received by a facility and/or place which is permitted to receive that waste.

Waste levy requirements

All waste facilities which are required to be licensed under Schedule 1 of the Act must comply with the waste levy requirements including all weighbridge requirements. The EPA notes this is addressed in the WMP, however, the weighing of vehicles appears to be limited to heavy vehicles.

The Applicant should be aware that all vehicles, including light vehicles, which enter and exit the Premises must be weighed over the weighbridge upon entry and exit. This is in accordance with clause 36 of the *Protection of the Environment Operations (Waste) Regulation 2014*.