



DOC20/778797

Planning and Assessment Division
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Susan Fox – Senior Environmental Assessment Officer

Dear Ms Fox

Chullora Materials Recovery Facility State Significant Development No. SSD-10401 - 21 Muir Road Chullora NSW 2190 – Advice and recommended conditions

Thank you for the request for advice from the Environment Protection Authority (EPA) through Public Authority Consultation (PAE- 8872630) in relation to the Environmental Impact Statement (EIS) for the proposed Chullora Materials Recovery Facility (MRF) (Application SSD-10401) at 21 Muir Road Chullora NSW 2190 Lot 2 DP 1227526 (the premises).

The EPA has reviewed the following document:

- Environmental Impact Statement (SSD-10401) August 2020 prepared by Arcadis Australia Pacific Pty Limited for SUEZ Recycling & Recovery (the Applicant).

The EPA understands the proposal is for construction and operation of a new MRF, with material handling capacity of up to 172,000 tonnes per annum.

Based on the information provided, the proposal will require an Environment Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997* (POEO Act) for the premises-based activities of *waste processing (non-thermal treatment)* or *resource recovery* and *waste storage* under clauses 41, 34 and 42 respectively of Schedule 1 of the POEO Act.

The Applicant currently holds EPL no. 5893 for scheduled activities at the premises. If the proposal is approved, the Applicant will be required to either apply for a new EPL or submit a variation application to update the current licence.

The EPA has reviewed the EIS and confirms that it includes the EPA's requirements for the Environmental Assessment dated 3 December 2020 (Notice No. 1589018).

The EPA has the following additional comments and recommendations:

Matters to be addressed with conditions

a. Noise Management

The EPA recommends the following noise limit and management conditions to ensure noise is managed appropriately at the premises and prevent impact on the community:

Traffic Noise Management Strategy

A Traffic Noise Management Strategy (TNMS) must be developed by the Applicant, 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, that include but are not necessarily limited to the following:

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- best noise practice in the selection and maintenance of vehicle fleets,
- movement scheduling where practicable to reduce impacts during sensitive times of the day,
- communication and management strategies for non-licensee/Applicant owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS,
- specific procedures for drivers to minimise impacts at identified sensitive receivers,
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

Noise Limit Conditions

L6.1 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	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Any residential receiver	43	43	40	52

L6.2 For the purposes of condition L6.1:

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- Evening means the period from 6pm to 10pm.
- Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

L6.3 Noise-enhancing meteorological conditions

- The noise limits set out in condition L6.1 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 category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

L6.4 For the purposes of condition L6.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Sydney Olympic Park
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - i. Use of sigma-theta data (section D1.4).

L6.5 To assess compliance:

- a) with the $L_{Aeq(15\text{ minutes})}$ or the L_{Amax} noise limits in condition L6.1 and L6.3, 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,
 - (iv) at any other location identified in condition L6.1
- b) with the $L_{Aeq(15\text{ minutes})}$ or the L_{Amax} noise limits in condition L6.1 and L6.3, 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 L6.5 (a).

L6.6 A non-compliance of conditions L6.1 and L6.3 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 condition L6.5 (a) or L6.5 (b).

NOTE to L6.5 and L6.6: 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.

L6.7 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) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L6.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L6.9 All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

Noise Management Plan

L6.10 The Applicant must prepare and implement a Noise Management Plan that covers all premises-based activities and transport operations. The plan must include but need not be limited to:

- a) all measures necessary to satisfy the limits in Table L6.1 at all times,
- b) 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,
- c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
- d) Measures to monitor noise performance and respond to complaints,
- e) Measures for community consultation including site contact details,
- f) Noise monitoring and reporting procedures.

L6.11 The Applicant must prepare and implement a detailed Construction Noise Management Plan (CNMP), prior to commencement of construction activities, that includes but is not necessarily limited to:

- a) identification of each work area, site compound and access route (both private and public)
- b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
- c) identification of all potentially affected sensitive receivers,
- d) the construction noise and vibration objectives identified in the Environmental Assessment,
- e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Assessment,
- f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
- g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of any operational noise control barriers,
- h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,

- i) measures to monitor noise performance and respond to complaints.

Definition of Noise Terms

- 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 L6.1 to L6.8.
 - $L_{Aeq(15\text{ minute})}$ - 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*).
 - L_{AFmax} – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.

b. Waste Management

The EPA recommends waste limit and management conditions to ensure waste is received and managed appropriately at the premises. Limiting the type and amount of waste received, as well as ensuring all activities are undertaken within the building, are considered appropriate measures to ensure impacts to the environment and the community, particularly in relation to dust, noise and odour, are prevented.

Recommended Conditions:

- The only waste permitted to be received at the premises is paper, cardboard, glass, plastic and metal.
- A maximum of 172,000 tonnes of waste is permitted to be received at the premises in a 12-month period.
- All waste unloading, processing and storage must be undertaken within the building.
- The height of baled material must not exceed four (4) metres or four (4) bales high.

The EPA will also require the Applicant to nominate an authorised amount, which is to be the maximum amount of waste permitted on the premises at any one time under a licence. The authorised amount will be considered and determined as part of the EPL application/variation process and added as a condition on the EPL.

c. Dust and Odour Emissions

The EPA recommends dust and odour emission management conditions to ensure potential dust and odour from activities at the premises are managed appropriately and prevent impacts to the environment and the community. It is possible that some of the non-putrescible waste brought to the facility may be contaminated with residues that can give rise to odour if not removed promptly for disposal. The EPA recommends the conditions of approval include a requirement to remove any such waste within 48 hours. The EPA also considers it prudent to include a dust and odour audit requirement as a condition of approval to ensure formal implementation of all necessary management measures once the facility is operational, and to benchmark these against industry best practice to ensure ongoing control.

Recommended Conditions:

- Trucks entering and leaving the premises must have their loads covered, except during material inspection, unloading and loading.

- All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises.
- The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.
- Idling of trucks must be minimised where possible.
- Any waste received that is received at the premises that is determined to be unsuitable for processing due to the presence of putrescible material must be removed from the premises within 48 hours of receipt.
- By 6 months from the commencement of operations approved by the development consent, the proponent must submit a dust and odour audit report to the EPA addressing the following:
 - a) A summary of any dust and/or odour complaints received, and actions taken to reduce odour emissions where complaints are verified;
 - b) Benchmark the design and management practices at the facility against industry best practice for minimising dust and/or odour emissions. This should include, but not be limited to, fast close roller doors
 - c) Using the results of (a) and (b), if it is identified that the facility requires additional dust and/or odour mitigation measures the report must include:
 - i. Proposed mitigation works and/or management practices to ensure that dust and/or odour is minimised as far as is practicable; and
 - ii. A timetable for the implementation of these works.

d. Stormwater management and preventing water pollution

The EPA recommends conditions that prevent discharge of leachate from the MRF building to the stormwater system. The EPA will not allow a licensed discharge point to waters from the premises.

2. Minor matters

a. Operational Environmental Management Plan

The EPA recommends that an Operational Environmental Management Plan (OEMP), as described in the EIS, be developed and submitted to the EPA with the EPL application or EPL variation application. The OEMP should be implemented at the premises and the EPA may incorporate aspects of this plan into conditions on the EPL.

b. Fire Guidelines

The EPA recommends that the Applicant ensure it complies with the *Fire safety guideline: Fire management in waste facilities 2020* published by Fire & Rescue NSW. The EPA notes that this has been considered as part of the EIS and fire safety requirements should be included in the site OEMP.

c. Standards for managing construction waste in NSW

Waste facilities that meet the definition of a *construction and demolition (C&D) waste facility* under clause 90B of the Protection of the Environment Operations (Waste) Regulation must comply with the *Standards for managing construction waste in NSW* published by the NSW EPA. Based on the EIS, the EPA it appears that *construction waste*, as defined by s90A of the Protection of the Environment Operations (Waste) Regulation 2014, will not be received at the

premises. If this is incorrect, the Applicant should inform DPIE and the EPA prior to determination of the proposal.

d. Emergency response

The Applicant will be expected to prepare maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the licensed premises. They must develop their PIRMP in accordance with the requirements in Part 5.7A of the POEO Act and the POEO Regulations.

If you have any questions about this submission, please contact Carla Thomas on (02) 9995 5302 or via email at RegOps.MetroRegulation@epa.nsw.gov.au.

Yours sincerely



22 September 2020

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