

Mr Jordan Rodgers
Group Property & Development Manager
SELL & PARKER PTY LTD
11 Meadow Way
Banksmeadow NSW 2019
01/09/21

Dear Mr Rodgers

Kings Park Metal Recovery and Recycling Facility Expansion (SSD-10396)
Request for additional information

I refer to the Response to Submissions (RTS) for the Kings Park Metal Recovery and Recycling Facility Expansion (SSD-10396). The Department has reviewed the document and notes there continue to be outstanding matters that need to be addressed.

In particular, the Department considers the updated Noise Impact Assessment does not appropriately address the issues raised in the Department's letter of 6 November 2020. We note the Environment Protection Authority (EPA) has advised it has similar outstanding issues regarding noise impacts and has also raised concerns with the information provided to address its previous comments on air quality impacts. The EPA and other agencies' comments can be accessed here:

<https://www.planningportal.nsw.gov.au/major-projects/project/25901>

The Department also considers the issues raised in submissions by the public, including concerns regarding noise and air quality impacts from the existing facility, have not been adequately addressed.

As such, the Department requires additional information that effectively addresses the issues in Attachment 1 and Attachment 2, as well as the agencies' comments.

Given the number of outstanding issues, we are happy to arrange a meeting to discuss these in more detail. If you wish to arrange a meeting, please contact Emma Barnet on 9274 6412 or at emma.barnet@planning.nsw.gov.au.

Please provide the requested information, or notify us that the information will not be provided, by Tuesday **21 September 2021**. If you cannot meet this deadline, please propose and commit to an alternative timeframe for providing this information.

Yours sincerely,



Attached: Attachment 1 – Department's comments and Attachment 2 – Noise – Department's comments

Attachment 1 – Department's comments

Waste Processing

1. As the Department requires an accurate picture of the proposed operations, please provide a detailed process description, including a flow chart.

Waste Storage

2. The RTS states that the stockpile plan (SP) demonstrates sufficient capacity to ensure good stockpile management at the end of daily operations. However, it is noted that only an average height and volume has been provided for the stockpiles, and only for combustible material. Please provide information on the maximum volume and height of all proposed stockpiles onsite and describe how these would be monitored and maintained. Please also describe the maximum volume of waste to be stored at any one time.
3. The SP provided as Appendix G in the RTS indicates that there would be no access into and through the Non-Ferrous Building (Building B) and limited access through the Post-shredder Processing Building (Building C). In addition, the area around the existing shear appears to contain one large stockpile. Please provide a revised SP that demonstrates how the site operates on a day to day basis including how access is maintained to the relevant buildings, how stockpiles are accessed by trucks and loaded/unloaded or moved around the site. Please include swept paths showing that trucks can access a stockpile as required.

The Department notes Schedule 1 of the Environmental Planning and Assessment Regulation 2000 requires the development application be accompanied by a sketch of the development which makes provision for the movement of vehicles within the site.

4. The RTS states that the area to the south of Building C was previously used to store parts and equipment at the time the NearMap image was photographed. However, according to NearMap, the area to the south of Building C has continued to be used for storage for the last year. Please describe what plant and equipment is stored in this area and demonstrate the site can operate without this 'storage' area noting this area is approved as a carpark under SSD 5041.

Dust

5. A number of public submissions, including neighbouring businesses, raised significant concerns about existing dust from the site. While the RTS addressed the submissions by stating that modelling demonstrated compliance with the dust deposition criteria, it does not appear that the potential for existing dust emissions was acknowledge or that dust deposition was assessed at receivers R10-R19. Please appropriately address submissions regarding dust deposition.

Traffic

6. It would appear that Figure 6-1 in the Traffic Assessment (Appendix E of the EIS) shows heavy vehicles queuing/stacking in areas shown as stockpiles in the SP (Appendix G of the RTS). Please provide an amended Figure 6-1 that includes the proposed stockpile layouts and demonstrates there is sufficient room onsite for vehicle queueing.

7. To demonstrate the stacking analysis represents the peak operational hour, please provide a breakdown of traffic volumes by hour.
8. Please describe measures that would be put in place to ensure no trucks are stacked or parked outside the site prior to operation commencing each day.

Visual

9. Please provide an assessment of the visual impacts of raising the south-eastern noise wall by 2.2 metres.

Attachment 2 – Noise – Department's comments

Operational noise assessment

1. Most affected locations and noise assessment criteria

- Receiver locations that experience (or will experience) the greatest exceedance of operational noise above background noise are deemed as 'most affected' according to EPA's Noise Policy for Industry (NPfI). In determining the most affected locations, the following factors need to be considered:
 - Operational activities and source locations
 - Receiver type and height
 - Distance between the subject site and noise affected community
 - Line-of-sight and shielding between the subject site and noise affected community
 - Characteristic meteorological conditions in the locality
 - Existing background noise levels

The Addendum Noise Impact Assessment (ANIA) provided as part of the RTS has not addressed issues raised by the Department as operational noise and background noise were only assessed at 2 Anthony Street (denoted as Receiver R1B in the ANIA) and 187 Sunnyholt Road (denoted as Receiver R1A) in the wider catchment area of Blacktown and Kings Langley. The Department considers there is the potential for residences east of Charles Street that are located on higher ground and situated further away from the subject site to be more noise affected than the closest residences fronting Sunnyholt Road. The Department's previous comments on the EIS specifically requested noise contours be provided to establish operational noise levels for residential receivers from Sunnyholt Road to the highest location above sea level along Anthony Street, covering an assessment radius of around 700 metres from the eastern site boundary. However, the ANIA has not provided noise contours east of Charles Street (see **Figure 1**). Further to this, the additional background noise data across the Blacktown catchment area requested by the Department in 2020 is also missing in the ANIA. Unless the most affected receiver and the subject site are setback from the road at comparable distances and similar sound propagation conditions, background noise monitoring near Sunnyholt Road must be avoided as background noise levels measured near Sunnyholt Road can be much higher than a location that is situated further away fronting local streets. It is evident from the noise monitoring results collected at the side yard of 2 Anthony Street and front yard of 187 Sunnyholt Road that rating background noise levels are highly sensitive to a range of physical factors (see above list) for which the measured levels were found up to 10 dB lower at the location with no direct line-of-sight to Sunnyholt Road.

The Department requires additional background noise monitoring data be provided at a representative location along Anthony Street, east of 16 Anthony Street, Blacktown. In addition, operational noise contours must be updated to include all residential receivers from Sunnyholt Road to the highest location above sea level along Anthony Street, covering an assessment radius of no less than 700 metres from the eastern site boundary.



Figure 1: Noise contours and assessment locations presented in the ANIA

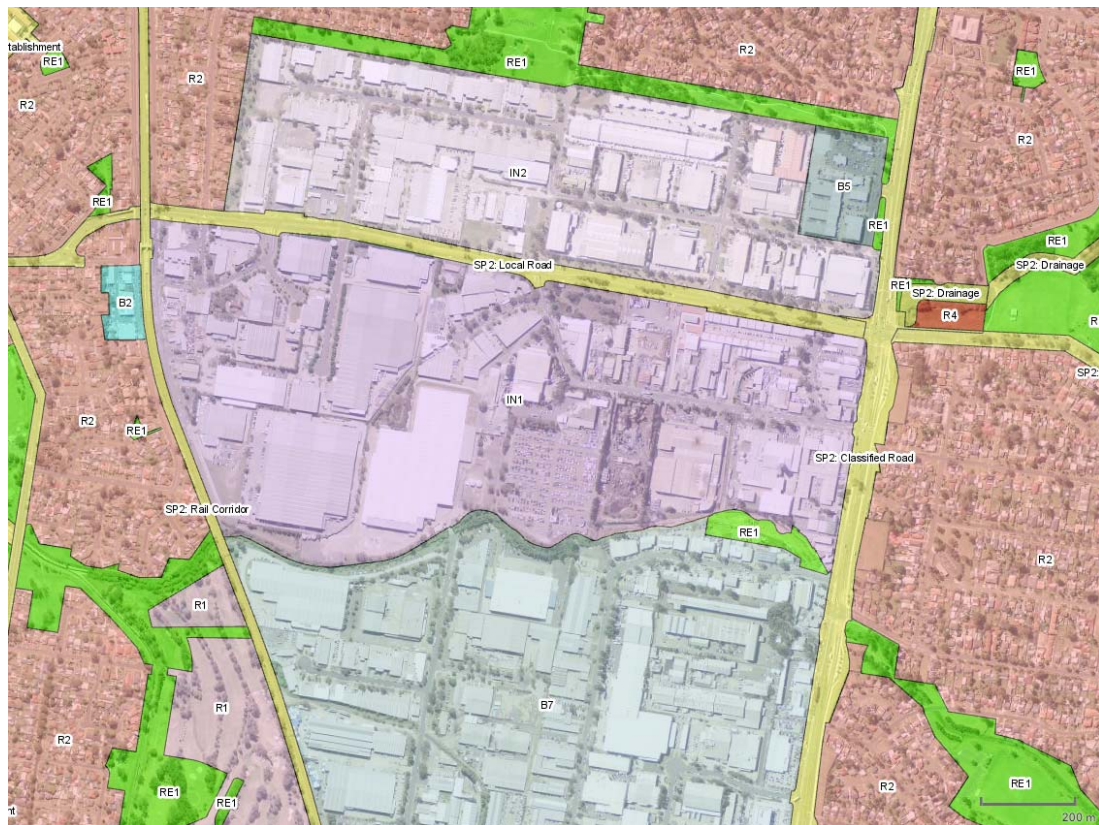


Figure 2: Land zoning map

- According to the NPfl, the background noise levels to be measured are those that are present at the time of the assessment and without the subject development operating (i.e. excluding the noise source under investigation). The Department notes it is unclear how the ANIA has undertaken sufficient noise monitoring and analysis to ensure the assessment of intrusiveness noise levels is accurate and consistent with EPA guidelines. The Department requires the ANIA be updated to include details of attended noise monitoring, including contemporaneous notes and estimate of site contribution, to justify the selection of unattended noise monitoring locations for establishing rating background levels in the surrounding residential suburbs.
 - The primary means for identifying the noise amenity category for an affected community is how the residential area is zoned in the relevant planning instrument. To supplement the zoning consideration, representative background noise may also be used to guide the selection of amenity category according to the NPfl based on careful judgement of site-specific circumstances and in consultation with the relevant planning and licensing authorities. The Addendum Noise Impact Assessment (ANIA) applied the urban amenity category to all residential properties surrounding the subject site without any justification. Residential areas in Blacktown, Kings Langley, Kings Park and Marayong are largely R2 zoning (low density residential) as can be seen in **Figure 2**. Suburban noise amenity area would apply across these suburbs based on the guidance established in NPfl, noting that the assessment undertaken as part of SSD-5041 also considered these residential areas as 'suburban'. The Department requires the ANIA be updated to include an assessment of operational noise against the suburban amenity noise levels of $L_{Aeq(15min)}$ 53 dB(A), 43 dB(A) and 38 dB(A) respectively for the day, evening and night periods.
 - The ANIA has not considered all relevant receiver types identified in Table 2.2 of the NPfl. For example, the most affected receiver in the B7 Business Park zone has been defined as 'industrial premises' instead of 'commercial premises' for noise assessment purposes (see **Figures 1 and 2**). The Department notes the cumulative $L_{Aeq,period}$ amenity noise level of 70 dB(A) would apply to industrial premises located in an area defined as an industrial zone such as IN1 whereas the cumulative $L_{Aeq,period}$ amenity noise level of 65 dB(A) would apply to commercial premises in a planning zone that allows for commercial activities. The Department requires the noise assessment be updated to include all relevant receiver types.
 - The ANIA has put forward project noise trigger levels for the night-time shoulder period from 6am to 7am on the basis that the rating background noise levels for night-time period are not representative. The Department notes in situations where operations outside of daytime hours can be justified, appropriate noise level targets must only be applied in consultation with the regulatory and consent authority. In the absence of representative background noise monitoring data at the residential receivers in the vicinity of Anthony Street east of Charles Street and the misapplication of noise amenity category to residential receivers, the Department cannot accept the proposed project noise trigger levels between 6am and 7am for consideration.
2. Operational noise survey and modelling
- Noise contours shall be updated to display a single decibel value instead of a range of decibel values for each contour line (see **Figure 1**).
 - The RTS claims the ANIA included updated sound power levels based on the results of attended on-site monitoring. However, measurement methodology, activity description, processing rate at the time of measurement and sound pressure level data previously requested by the Department

appears to be missing in the ANIA. Therefore, uncertainties in the source emission inputs and assumptions remain an outstanding issue. Specifically, the Department notes it is unclear why the $L_{Aeq(15min)}$ sound power levels of 107 dB(A), 107 dB(A) and 105 dB(A) for excavators, front end loaders and material handlers working with scrap metal remain unchanged in the ANIA even though the $L_{Amax(t)}$ maximum sound levels appears to have increased substantially. Unless otherwise justified, the Department expects the $L_{Aeq(t)}$ noise emission assumptions for material handling activities to be substantially higher than current levels utilised in the ANIA on the basis that excavators sorting and handling solid demolition waste material are said to have sound power levels around 114 dB(A) according to the British Standard BS 5228-1:2009+A1:2014. The Department therefore require the measurement and reporting of environmental noise be carried out in accordance with best-practice, for example, consistent with Australian Standard AS 1055: 2018 Acoustics – Description and measurement of environmental noise. In addition to the measurement methodology, activity description, processing rate at the time of measurement, the following parameters shall be recorded and reported for fluctuating, impulsive or other non-steady sounds:

- percent exceedance noise levels (typically $L_{A1(t)}$, $L_{A10(t)}$, $L_{A90(t)}$ and other as required)
 - range of noise levels ($L_{Amax(t)}$ and $L_{Amin(t)}$)
 - equivalent continuous sound pressure level ($L_{Aeq(t)}$)
 - duration of measurement and number of maximum noise events
 - how sound pressure level was converted to sound power level, including the setback distance from each noise generating activity to the measurement location
 - contemporaneous notes recorded during the attended noise survey identifying how the variety of observed sounds contributed to $L_{Aeq(t)}$ and the character/nature of sound.
- Following the exhibition period, Blacktown Council indicated in its submission that recent aerial view of the subject site showed more than seven trucks on the premises at one time, In response, the RTS noted it is anticipated that only seven trucks would complete the full range of on-site activities within a 15-minute period, including tipping and loading, and that additional vehicles on the site would be stacked. The Department notes that up to 16 trucks can be observed on the subject site at the same time as can be seen in Figure 3 and only four trucks appear to be stacked along the site entrance. Further to note is the operational noise impact assessments submitted as part of the EIS and RTS only considered seven trucks travelling in and out of the site at an unspecified speed, and does not appear to have included incidental noise from stationary trucks being loaded or tipping material nor the full range of heavy vehicle manoeuvres that would be performed such as idling and reversing. The Department therefore require the worst-case emission scenario (comprising multiple noise generating activities occurring at the same time) be identified in the ANIA and how noise would be generated described. In addition, source emission levels shall be reported as follows and all sources must be mapped visually:
 - sound power level for point sources
 - sound power level per metre for line sources
 - sound power level per square metre for area sources.



Figure 3: Aerial view of the subject site

- The EPA in its submission requested the Applicant to detail, explain and justify the method used to determine “neutral condition” and “prevailing wind conditions” using the ISO 9613-2 standard and update the nominated “soft” ground to a more suitable ground type. In response, the RTS noted the ISO 9613-2 standard already incorporates a mild downwind noise enhancing condition and the ground type between the source and receiver has been updated to “hard”. The Department recognises the ISO 9613-2 standard generally predicts the A-weighted sound level under downwind propagation or, equivalently, propagation under a well-developed moderate ground-based temperature inversion. However, the Standard further states that “inversion conditions over water surfaces are not covered and may result in higher sound pressure levels than predicted from this part of ISO 9613”. Section 7.3 of ISO-9613-2 further associates water with other acoustically hard surfaces such as paving, ice, concrete and all other ground surfaces having a low porosity. Tamped ground, for example, as often occurs around industrial sites can be considered acoustically hard. As such, it remains unclear how EPA’s request regarding the use and selection of noise calculation procedure has been addressed. The Department requires the use of any calculation procedure and settings be justified according to the circumstances of this particular locality and evidence of validation be provided. Please address model validation by comparing calculated and measured noise levels in close proximity to the site and at some key residential locations.

3. Intrusive noise characteristics and noise mitigation measures

- The Department notes it is crucial for the ANIA to recognise key issues raised by the public and local businesses, establish how noise would be generated by the development proposal and how noise concerns would be addressed. Repeated impact/impulsive noise and beeping noise have been cited by the public as sources of noise concern. However, the RTS and its ANIA simply considered a qualitative assessment to support the exclusion of these intrusive noise characteristics in the operational noise assessment. It is established in the NPfI and the Australian Standard (AS 1055:2018) on the description and measurement of environmental noise that noise with intrusive characteristics such as tonality, prominent impulses and/or intermittency is more annoying than continuous types of noise (without these intrusive characteristics) with the same equivalent sound pressure level. The Department therefore require noise monitoring records to demonstrate these intrusive noise characteristics can indeed be excluded. In the absence of quantitative evidence to demonstrate intrusive noise characteristics are effectively minimised, the Department requires the maximum adjustment of +10 dB for annoying noise characteristics be added to predicted noise levels at all sensitive receiver.
- In response to public submissions, the RTS committed to raising the existing south-eastern noise wall by 2.2 metres to provide additional screening to sensitive receivers to the east of the subject site. However, it is unclear whether the proposed upgrade to this existing noise wall would be effective at reducing operational noise levels. The Department requires the anticipated insertion loss of all proposed noise path controls (i.e. the reduction in noise level at a given location due to the placement of an attenuator in the sound path between the sound source and that location) be clearly specified in the noise impact assessment. See Table 3.1 of the NPfI which shows an example of 'feasible and reasonable' mitigation decision-making matrix for inclusion within an environmental noise impact assessment. In addition, the Department further notes the NPfI advises the choice of noise-control measures depends on both the degree of mitigation required and the undesirable characteristics of the noise source that need to be controlled. For metal works, noise mitigation measures can include the use of efficient enclosures to reduce the impact of impulsive noise. Accordingly, the mitigation decision-making matrix must identify the effectiveness of each noise control at minimising specific intrusive noise characteristics such as impulsiveness and intermittency.