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Mr Kelly McNicol  
Team Leader – Industry Assessments  
Department of Environment & Planning  
PO Box 39  
SYDNEY NSW 2001

VIA EMAIL TO: [kelly.mcnicol@planning.nsw.gov.au](mailto:kelly.mcnicol@planning.nsw.gov.au)  
23 November 2016

Dear Mr McNicol

**Smeaton Grange Resource Recovery Facility – SSD 7424  
EPA Response to Submissions**

I refer to your email to the Environment Protection Authority (EPA) dated 09 November 2016 seeking comment on Benedict Recycling Pty Ltd's Response to Submissions Report (RTS) for its proposed resource recovery facility at 52 Anderson Road, Smeaton Grange (the Proposal).

The EPA has reviewed the RTS and has provided specific comment at Attachment A as well as recommended conditions of approval at Attachment B, should approval be granted.

The EPA does not object to the Proposal proceeding provided it is carried out in accordance with the recommended conditions of approval.

The EPA requests an opportunity to review the draft conditions of approval for the Proposal prior to their finalisation.

It is noted that the Proponent will be required to hold an environment protection licence under the *Protection of the Environment and Operations Act 1997* to commence construction activities (i.e. scheduled development works) and to operate (i.e. scheduled activities). The Proponent will need to make a separate application to the EPA to obtain this licence if development approval is granted.

If you have any questions about this matter, please contact Nick Feneley on 4224 4144.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Corradin'.

**MATTHEW CORRADIN**  
**Unit Head Waste Compliance**  
**Environment Protection Authority**

## ATTACHMENT A – SPECIFIC COMMENTS

### Noise

The EPA notes the proposed changes to operating hours outlined in the RTS (no work between 10pm to 6am). As discussed in the RTS, this limits the time for potential sleep disturbance to a one hour period during the morning shoulder period (between 6am and 7am). However, the remaining one hour period is still a concern due to some uncertainties in the noise monitoring data.

#### Original Sleep Disturbance Issue

In the Environment Impact Statement (EIS), the maximum noise levels (L<sub>max</sub>) resulting from the Proposal are predicted to be higher than the sleep disturbance screening level of 46dBA. Under adverse weather conditions (i.e. an inversion), the Proponent predicted that noise from the Proposal will reach 57dBA at receiver R9, the closest residence, and 58dBA at R22, the most affected receiver.

#### Sleep Disturbance under the New Hours of Operation Proposed.

In the RTS, the Proponent refers to the unattended noise monitoring which indicates that existing maximum noise levels for the morning shoulder period (6am to 7am) are already higher than the noise levels predicted to be generated by the Proposal. The Proponent asserts that the Proposal will not significantly increase the level or number of maximum noise events during the morning shoulder period and that sleep disturbance is unlikely.

The Proponent undertook unattended noise monitoring in the summertime, December 2015. As can be seen in the noise monitoring data graphs (Appendix F of the EIS) noise levels, including maximum noise events, rise gradually around the time of sunrise. There does not appear to be information provided in the Proponent's response that precludes these L<sub>max</sub> levels from being associated with the dawn chorus of birds. In the winter, this rise in sound levels could occur later in the morning as first light and sunrise come later. The 6am to 7am period may then have lower noise levels in winter. In this case, L<sub>max</sub> events from the Proposal may be higher than L<sub>max</sub> events from other sources. As there is no noise monitoring data provided for the winter period, it is unclear if loading activities occurring at the same time in winter will not be higher than L<sub>max</sub> events from other sources.

#### Construction Work May Have Affected Unattended Monitoring

Nearmap satellite imagery indicates that between November 2015 and February 2016, construction was occurring on the lot neighbouring the Proposal. There does not appear to be information provided by the Proponent precluding the unattended monitoring results being affected by noise from this construction. If it did, then the L<sub>max</sub> levels may not be reflective of the current noise environment and may only be reflect of the construction activities.

Unless the December 2015 noise monitoring included attended monitoring, or recording of audio, which would allow assessment of the influence on the results of early morning construction noise and bird noise, then it would be preferable for the Proposal to commence operations, including loading activities, no earlier than 7am to avoid potential sleep disturbance for nearby residences. Alternatively, the noise monitoring could be repeated in December of this year to allow such an assessment. Repeating the noise monitoring in winter would also assist in assessing the potential impact in winter.

### Odour

The EPA notes the following commitments made by the Proponent in the RTS:

- vegetation waste will not be stored on the premises for extended periods and will be dispatched to another licensed facility as soon as there is enough to fill a truck; and

- vegetation waste will be monitored daily for any signs that composting is occurring (odour or increased temperature) and if this occurs, the stockpile will be broken apart and arrangements made immediately to dispatch the material in a smaller truck.

The EPA is satisfied that these controls, if implemented, will minimise the likelihood of offensive odours being generated by the development.

## **ATTACHMENT B – RECOMMENDED CONDITIONS OF APPROVAL**

### **Noise Limits**

#### **Construction Hours**

1. Construction work at the premises must only be conducted between 7am and 6pm Monday to Friday and 8am to 1pm on Saturdays.
2. No Construction work is to be carried out on Sundays or Public Holidays.

#### **Operating Hours**

3. Operational activities may only be conducted between the hours shown in the table below:

ACTIVITY	HOURS
Waste receipt and dispatch	7am and 10pm Monday to Friday
	7am and 5pm Saturday
	8am and 4pm on Sunday
Waste processing	7am to 6pm Monday to Friday
	7am to 5pm Saturday

4. No activities are to be conducted on Public Holidays.

#### **Noise Limits**

5. Noise generated at the premises must not exceed the noise limits in the table below at the noise monitoring locations nominated in Appendix F (Noise Impact Assessment) of the Environmental Impact Statement (EIS).

NOISE LIMITS dB(A)	
L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)
Day	Evening
41	40

Note: for the purpose of this condition:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays;
  - Evening is defined as the period 6pm to 10pm; and
  - Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays. Noise limits have not been specified for the night period as no activities are permitted to occur during that period.
6. To determine compliance with the noise limits in condition 5, the noise measurement equipment must be located:
    - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
    - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
    - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

## Noise Monitoring

7. A meteorological weather station must be installed and maintained at the premises so as to be capable of continuously monitoring the parameters specified the table below.

Parameter	Units of Measure
Air temperature	°C
Wind direction	°
Wind speed	m/s
Sigma theta	°
Rainfall	mm
Relative humidity	%
Solar Radiation	W/m <sup>2</sup>

8. To assess compliance with Condition 5, attended noise monitoring must be undertaken:
- at a representative location for each one of the locations listed in Condition 5;
  - occur within 3, 6 and 12 months of the commencement of operations;
  - occur during each day and evening period as defined in the NSW Industrial Noise Policy for a minimum of:
    - 1.5 hours during the day;
    - 30 minutes during the evening; and
  - occur for three consecutive operating days.

## Noise Report

9. A noise compliance assessment report prepared in connection with that monitoring undertaken under condition 8 must be submitted to the EPA within 30 days of the completion of each monitoring round. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:
- an assessment of compliance with noise limits presented in Condition 5; and
  - an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition 5.

## Odour Limit

10. The Proponent shall ensure that the development does not cause or permit the emission of any offensive odour (as defined by the *Protection of the Environment Operations Act 1997*).

## Air Quality Management Plan

11. The Proponent must prepare an air quality management plan covering all dust and odour emission sources at the site. The plan must include, but not be limited to:
- Key performance indicator(s);
  - Monitoring method(s);

- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms;
- Compliance reporting; and
- Complaints register.

The air quality management plan must be implemented prior to the commencement of any dust or odour generating activities at the site.

### Water & Leachate

12. Surface water must be controlled so that it does not mix with the waste received and processed or stored at the premises.
13. There must be no discharge of leachate to waters.
14. Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

### Waste Limits

15. The Proponent must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition in the column titled "Description" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits".

Waste	Description	Activity	Other Limits
General solid waste (non-putrescible)	As defined in Schedule 1 of the Protection of the Environment Operations Act 1997, <u>but excluding</u> Biosolids and waste collected in kerbside bins.	Resource Recovery, Waste Storage	<ul style="list-style-type: none"> <li>• No more than 140,000 tonnes of waste (in total) is to be received at the premises in any twelve (12) month period.</li> <li>• No more than 30 tonnes of garden waste is to be on site at any one time.</li> </ul>

### Waste Receipt

16. The Proponent shall prepare and implement a Waste Receipt and Vehicle Flow Control Plan to the satisfaction of the EPA. The plan must be submitted to the EPA for approval prior to construction, and include details of the infrastructure, and the systems and procedures, that will be used to ensure compliance with the requirements Part 3 of the *Protection of the Environment Operations (Waste) Regulation 2014*. The plan must also show all vehicle entry and exit points, including emergency exits, where waste is transported into and out of the premises.
17. The Proponent shall:
  - a) Implement suitable procedures to:

- Ensure that the site does not accept wastes that are prohibited;
  - Screen incoming waste loads; and
- b) Ensure that:
- Staff receive adequate training in order to be able to recognise and handle any hazardous or other unapproved waste.

### **Litter control**

18. The Proponent shall:

- a) Implement suitable measures to prevent the proliferation of litter both on and off the site; and
- b) Inspect and clear the site (and if necessary, surrounding area) of litter on a daily basis.

### **Fire Management**

19. The Proponent shall:

- a) Implement suitable measures to minimise the risk of fire on the site;
- b) Extinguish any fires on site promptly; and
- c) Maintain adequate fire-fighting capacity onsite at all times.