Mr Brent Lawson
The Trustee for Minto Property Trust
PO Box 7108
Silverwater New South Wales 2128

26 November 2020

Dear Mr Lawson

Minto Resource Recovery Facility (SSD-5339)
Response to Submissions

The exhibition of the State significant development (SSD) application, including the Environmental Impact Statement (EIS) for the above project ended on 19 Nov 2020. All submissions received by the Department during the exhibition of the proposal are available on the Department's website at https://www.planningportal.nsw.gov.au/major-projects/project/10526.

Please note that submissions have not been received from the Heritage NSW and Campbelltown City Council. These submissions will be forwarded to you when they are received.

The Department requires that you provide a response to the issues raised in those submissions, along with those matters raised by the Department in Attachment 1 to this letter, in accordance with clause 82(2) of the Environmental Planning and Assessment Regulation 2000. Please provide a response to the issues raised in these submissions Friday 26 February 2021.

Note that under clause 113(7) of the Environmental Planning and Assessment Regulation 2000, the days occurring between the date of this letter and the date on which your response to submissions is received by the Secretary are not included in the deemed refusal period.

If you have any questions, please contact Emma Barnet, who can be contacted on 92746412/ at emma.barnet@planning.nsw.gov.au.

Yours sincerely

Chris Ritchie
Director, Industry Assessments

as delegate for the Planning Secretary

ATTACHMENT 1

Air

- It is understood that the majority of waste crushing will occur via the jaw crusher which would be located within a shed and serviced by a baghouse. However, if the waste material is oversized, it will be processed by a mechanical pulverisor or hydraulic rock breaker. Please confirm whether the AQIA considered that any crushing via mechanical pulverisor or hydraulic rock breaker would not be connected to the baghouse. Furthermore, please confirm if Table 6-1 in the AQIA, which provides the PM_{10} emissions for each activity per year, includes the mechanical pulveriser and hydraulic rock breaker.
- The contemporaneous assessment data has been provided in graph form which appears to indicate additional exceedances of the criteria, please provide the results of the contemporaneous assessment in a table format.

Remediation

- The site is currently contaminated with asbestos containing material and a Remedial Action Plan has been prepared which proposes to remediate the site through the removal of asbestos contaminated soil. However, the RAP also states that on-site consolidation and or capping of impacted materials would be considered if economic constraints dictate. Please update the RAP to provide further details of the alternate remediation method including depth of the fill, consistency of marker later and details of any EMP to manage remaining on-site contamination. Please also provide a justification for using the encapsulation option.

Waste Management

- The Site Plan identifies numerous external waste and product stockpiles, please describe the stockpile management measures that would be implemented to ensure wastes are managed appropriately including maintaining their separation distances and heights.
- Please provide the size and volume of the individual stockpiles.
- The EIS explains that there would be some residual waste generated by the facility, and this waste would either be disposed of or sent for further processing. It is recognised that the metal waste storage area has been shown on the Site Plan, however, please also show where other wastes would be stored and explain how often they'd be taken offsite.
- The site plan shows one large stockpile for sand/sandstone and pugmilled material, please describe how this stockpile would operate to avoid the mixing of different products.

Soil and Water

- The EIS explains the site would discharge water to Bow Bowing creek in storm events greater than 1 in 10 ARI (southern catchment) or 1 in 100 ARI (northern catchment). It is noted the EIS states that, as sediments will be captured, water quality of Bow Bowing creek would not be affected. This must be quantified by characterising the water quality at the point of discharge to surface and/or groundwater against the relevant water quality criteria (including details of the contaminants of concern that may leach from waste into the wastewater and proposed mitigation measures to manage any impacts to receiving waters) and assessing impacts on Bow Bowing Creek.
- A water balance has been provided in Table 9 of Appendix 5 however, it does not provide a detailed break down of the water inputs and outputs. Provide a comprehensive water balance which includes water to be discharged to Bow Bowing creek.
- The EIS states that sediments captured by the sediment basins will be reused in the recycling process. Please describe how this would occur.

- Although it is acknowledged the northern and southern sediment basins are the same size, explain why in the southern catchment the pit/pipes are only sized for a 10 year ARI event whereas the northern pit and pipes are designed for the 1 in 100 year ARI event.

Traffic

- It is recognised the traffic assessment undertook a Sidra analysis of existing conditions with and without the development. Please also provide Sidra analysis for future conditions (2030) accounting for background traffic growth.
- It is noted that a one-way system for traffic has been provided, however, the swept path analysis Drawing PS02-DZ01 indicates heavy vehicles would occasionally undertake a U-Turn, please demonstrate that this movement will not interfere with the unloading/loading operations.
- Please clarify the time taken for waste drop off, as it appears to be underestimated. If a revised estimation is provided, please update the queueing assessment to demonstrate the site has capacity to accept 1 truck every 2 min 42 seconds in peak operating periods.
- The site has been designed to accommodate 19 m heavy vehicles yet it is acknowledged other vehicles would be used as well. Please quantify how many rigid vehicles would access the site.

Flooding

- Clarify whether the upgrade of the existing pipe within the presumably Council-controlled Drainage Easement (that drains Pembury Rd to Bow Bowing Creek), requires land owner's consent from the owners of 25 Pembury Road and consent from Council under s68 *Local Government Act 1993*.
- Explain how workers and drivers would be affected by deep flood water that occurs within Montore Road during the 100 year ARI flood. If the site is inaccessible at peak flood times due to excessive water depths and velocities as determined by the Floodplain Development Manual, provide details of an emergency flood management plan.

Noise

- It is understood that the majority of waste crushing would occur via the jaw crusher which would be located within a shed, however, if oversized, the waste would be first crushed by a mechanical pulverisor or hydraulic rock breaker. Please confirm whether the use of a mechanical pulverisor and hydraulic rock breaker been considered by the noise assessment.
- It is noted the stockpiles would range in size from 6 to 8 m. Please confirm whether any machinery be located or operate on top of the stockpiles. If so, please confirm this been accounted for by the noise assessment.
- Please provide a list the mitigation measures which would be implemented to manage noise impacts.

General

- It is noted that the development site requires remediation prior to construction, please describe how long remediation would take and how much contaminated soil would be removed. The EIS states that 500 vehicles would be required for fill removal, this number appears high, please clarify.
- Following remediation, how long would construction take and how much fill would be imported?
- Please provide landowner's consent for the site and clarify whether landowner's consent is required for the adjacent property to the south, which is the location of the proposed stormwater pipe upgrade.
- Please confirm that the technical assessments have been undertaken on the basis of worst case operation, that is the site would receive 2,500 tonnes of material and deliver 2,500 tonnes of material per day, as per the description in the Noise Impact Assessment.

Plans/Figures

- Although it is noted the Crushing Plant (Drw: 1509-0001) and Washing Plant (also Drw: 1509-0001) plans label individual stockpiles, the Site Plan does not, instead the stockpiles are labelled as uncrushed material and crushed material or sand/sandstone/pugmilled material. Please update the Site Plan to include accurate labels.
- The concrete block bays, which can be seen on the Site Plan are not labelled on the Site Plan or described, please address.
- It is noted a large stockpile of 'crushed material' would be located on the northern boundary of the site, please clarify why the stockpile covers the northern storage tanks and update the Site Plan to address.
- It is understood that a new driveway/access way would be required to accommodate the development. Please describe the new access and provide the relevant engineering drawings.
- Provide architectural drawings including elevations of the workshop, sand shed and any other permanent structure on site.
- Please label the tip and spread area on a plan to demonstrate that it will be separated from the larger waste stockpiles and that its size will be sufficient to meet the requirements of the EPA's *Standards for Managing Construction Waste*.

OUT20/12783

Emma Barnet
Planning & Assessment
NSW Department of Planning, Industry and Environment

emma.barnet@planning.nsw.gov.au

Dear Ms Barnet

Minto Resource Recovery Facility (SSD-5339)
EIS

I refer to your email of 16 October 2020 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendation is provided by NRAR.

Post Approval

- The EIS states dust suppression and sand washing demands will be satisfied through reuse of stormwater runoff sourced from the approximately 200 kL sedimentation basins on the site. The sites sediment basins should only harvest water from the sites capture area, flow from outside the site should be redirected around the site.

Any further referrals to DPIE Water and NRAR can be sent by email to: landuse.enquiries@dpie.nsw.gov.au.

Yours sincerely

Alistair Drew
Acting Senior Project Officer, Assessments
Water – Knowledge Division
4 December 2020

14 December 2020

Emma Barnet
Senior Environmental Assessment Officer
Industry Assessments,
Department of Planning, Industry and Environment.
GPO Box 39,
SYDNEY. NSW. 2001

Dear Emma

Re: SSD-5339 - Proposed Minto Resource Recycling Facility
No. 7 MONTORE ROAD, MINTO

I refer to the Department's correspondence regarding the proposal to operate a resource recovery facility which will have the capacity to process 450,000 tonnes per annum of concrete, brick, asphalt, sandstone and sand from the building and construction industry. The facility also proposes a range of crushing, screening, sand washing equipment used to process this material, including a pug mill.

Council wishes to make the following comments in response to the proposed Resource Recovery Facility.

Traffic and Site Access

As it is proposed to import and process 1,600 tonnes (342 truckloads) of recyclable material on site each day, queuing is likely to become a far more significant issue with the increased risk of obstructing neighbouring driveways and other premises on Montore Road by the 19 metres long articulate vehicles used to transport these loads

If approved, it is recommended that a condition be imposed to prohibit queuing on Montore Road including a requirement to identify the alternative location(s) for the excessive number of operational vehicles (31) that are unable to be accommodated overnight at the proposed facility.

Further, the submitted "Plans of the Proposed Development" in Appendix 4 indicate that there is provision to stack these trucks within the cul-de-sac and site entry prior to passing over both weighbridges, however, this approach has the potential to fail due to the likelihood of a large number of these 19 metre long delivery vehicles encroaching onto the adjoining road reserve. The distance from the site's entry point to both weighbridges is approximately 75 and 60 metres. It is, therefore, questionable whether stacking any more than eight (8) rigid vehicles within the proposed driveway configuration will be practical given the large volumes of resource material the proponent is anticipating to importing on site.

In addition to the above, the following dot points are included for your consideration:

- The Design vehicle (AV) used in Traffic report and swept paths is taken as 19.0m long, however as per AS2890.2:2018 table 2.1 AV is a 20.0m long vehicle. Traffic report and all swept paths shall be revised to comply with Australian standard
- The swept path for entry manoeuvre for AV into the left most bay indicate vehicle cannot enter safely without encroaching the AV vehicle bay next to it, which implies if vehicles is already in that 2nd bay from left a second AV cannot enter into the 1st/left most bay
- Ensure that the vehicle crossing profile complies with Council's standard drawing SD-R09 Sheets 1 & 2 available on Council's website under Appendix K of the Council's Engineering Guide for Development
- Vehicle crossing shall be designed to provide safe clearance from streets' light pole as per Australian and Endeavour Energy standards
- Council has completed traffic surveys in 2017 and traffic modelling on some of the intersections included in this proposal. Council's modelling identified levels of service significantly lower than those identified in this proposal for the existing conditions. The modelling needs to be addressed by the applicant to better represent the site conditions
- Incoming and outgoing truck numbers provided suggest 31 trucks will remain on site overnight. It does not appear there is sufficient room on site to accommodate this. This requires further clarifications. It is not considered acceptable to have a significant number of vehicles parking on the surrounding public streets.
- The timeframes provided in the report as justification for no queuing of the trucks only account for loading and unloading times, not vehicle movements through the site. While more than one truck may be able to be loaded or unloaded at a time, only one vehicle can manoeuvre the site at a time and this does not appear to have been considered and therefore requires further information.
- Vehicle routes have been assessed against RMS Restricted Access Vehicle Maps and Lists and are acceptable

Operational matters

Section 3 of the EIS includes a list of all the waste streams proposed to be accepted at the facility including concrete, brick, asphalt, sandstone and residue sand material from the building and construction industry.

It is also stated that a large majority of all imported materials will be delivered as pre-sorted loads, however, given the unloading area proposed, all deposited waste will need to be cleared from the discharge area prior to the next vehicle's delivery in order to prevent cross-contamination of these waste streams. This may result in delays to unloading and reduced inbound vehicle movements per hour.

It is recommended that a condition be imposed requiring the proponent to explain how it is proposed to maintain the integrity of each pre-separated load in order to avoid any cross-contamination of all imposed waste streams which have been approved to be processed at the subject facility.

The EIS also states that: -

"Incoming trucks would stop at a receival point where the load would be inspected to ensure loads comply with the materials which the facility is licenced to receive pursuant to the Environment Protection Licence."

Given the proposed high inbound traffic flow, there are major concerns about whether it is considered practical that these employees will be in a position to constantly vacate their assigned work post to comprehensively inspect every load imported on site. Further, any employees tasked with this responsibility would also need to climb to a height of 3-4 metres to inspect each load and, even then, only the top layer of material would be visible.

Appropriate conditions should be imposed which require the proponent to clarify how assigned staff will be able to safely undertake these tasks in order to ensure compliance with this important screening requirement.

Air, Odour and Noise Impacts

The SEARs issued for the proposed facility includes a requirement for "an assessment of the potential impacts of the proposal (including cumulative impacts) and develop appropriate measures to avoid, mitigate, manage and/or offset these impacts" (Pg.1) and, in respect to air quality and odour (pg.2), also provide: -

> " - a quantitative assessment of the potential air quality and odour impacts for the development on surrounding landowners and sensitive receptors;
>
> - (details of the) construction and operational impacts, including dust generation from the transport of materials; and
>
> - details of the proposed management and monitoring measures."

If approved, it is recommended that appropriately designed misting and odour suppression systems are installed around all areas of the site where waste is to be stored and/or relocated in addition to ensuring that they always remain operational for these purposes. It would also be in the operator's best interests to maintain these suppressions systems for their own occupational, health and safety requirements.

Further, the submitted 'Traffic Impact Assessment' at Appendix 8 fails to indicate whether the proposed vehicle loading/unloading areas will be open or uncovered. Any unloading in an open area is likely to result in the generation of high volumes of airborne particulate matter as vehicles during these operations. The simple practice of an employee applying a hose to suppress dust during these processes is considered to be ineffective and not likely to adequately mitigate this risk.

As a result, it is also recommended that a condition be imposed requiring all unloading and loading operations proposed on site be conducted from within inside an enclosed or covered area, fitted with an adequate misting system.

To reduce any impact on any residential properties located to the west of the site, appropriate conditions should also be imposed requiring that post-approval noise level monitoring be conducted to ensure on going compliance with the approved of hours of operation in addition to the associated truck movements and crushing of materials on site.

State Environmental Planning Policy No.33 (SEPP 33) – Hazardous and Offensive Development - Overview

For development proposals classified as 'potentially hazardous industry', SEPP 33 establishes a comprehensive test by way of a Preliminary Hazard Analysis (PHA) to determine the risk to people, property and the environment at the proposed location and in the presence of controls.

Should such risk exceed the criteria of acceptability, the development is classified as 'hazardous industry'.

The EIS provides a list of hazardous substances proposed to be stored on-site, however, there is little mention of any adequate risk screening assessment or preliminary hazard analysis to determine whether the level of risk associated with the proposed facility will be acceptable.

As no adequate PHA has been provided, it is difficult to determine how the proponent will undertake an effective screening process to ensure that every truck laden with waste is completely free of potentially contaminating material. It, therefore, appears that the proponent has failed to provide or adequately outline a suitable recovery regime which ensures that every load carried to the proposed facility will be 100% free of any waste considered inappropriate in terms of having the potential to adversely impact the existing environment in this locality.

Further, as the applicant has failed to provide or outline a suitable recovery regime which ensures that every truck hauled to the proposed facility will also be screened free of any toxic waste, there is potential risk of contaminated groundwater having an adverse impact on the water quality and sensitive environs around the Bow Bowing watercourse.

Without suitable waste screening procedures, there is serious concern that any escaping leachate has the potential to contaminate the water quality and riparian areas around Bow Bowing Creek. It is envisaged that any compromise on water quality from this type of "industrial runoff" may have a hazardous effect on conserving the biodiversity and maintaining ecological processes within this catchment.

Until appropriate screening procedures have been determined, which satisfactorily address how all prohibited materials will be adequately removed from these loads, there remains serious doubt whether this facility will have the capacity to comply given the generic and fundamental nature of this requirement.

Stormwater and flooding

1. The subject property is a Flood Control Lot with respect to 1% Annual Exceedance Probability (AEP) flood due to overland flow from the local catchment traversing the property and due to flooding of Bunbury Curran Creek adjacent to the property.
   A Flood Control Lot is defined in the State Environment Planning Policy (Exempt and Complying Development Codes) 2008 - REG 1.5 as "a lot to which flood related development controls apply in respect of development for the purposes of industrial buildings, commercial premises, dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

2. The Site Earthworks Plan, completed by Martens & Associates Consulting Engineers, dated 26/06/2020 does not include chainages on the plan sections. This makes interpreting the information presented in the cross and long sections difficult. The changes should be labelled to facilitate more detailed review.

3. The proposed fill levels address flooding from BBBC.

4. Following review of Preliminary Flood Assessment: Minto Resource Recovery Facility 7 Montore Road, Minto, NSW by Martens Consulting Engineers dated March 2020 the following comments are provided:

a) Council would normally review modelling as well as the report. As no modelling has been provided, comments can only be provided based on the information contained in the report.

b) Council does not accept any adverse impacts on neighbouring properties in 1% AEP event, this proposal shows adverse impacts:

- The proposal shows fill in the overland flow path at the south of the property, which is adversely impacting 25 & 27 Pembury Rd.

- Council's flood modelling identifies an area of the subject property adjoining the walkway at the north of the property which is flooded in the 1% AEP and is proposed to be filled. It must be demonstrated no adverse impacts are occurring on 9 Montore Road and Montore Road as a result of this reduction in flood storage.

5. There are issues with the proposed pipe upgrade identified in Attachment D. Proposed Pipe Upgrade:

   a) This upgrade must be discussed with Council, as it may not be supported.
   b) Council has no plans to undertake the proposed stormwater connection. This proposal should not be shown on a plan with Council's logo when this detail was added after the fact by others. The report does not confirm who would be responsible for this upgrade and provides no details, other than the plan in the abovementioned attachment.
   c) The existing easement does not meet Council's easement width requirement for a 1200mm diameter pipe, as detailed in Campbelltown City Council Engineering Design for Development, Section 4.17 Drainage Easement. The easement width must be increased by 0.5m to accommodate this pipe, it does not appear 25 & 27 Pembury Rd can accommodate this.
   d) The proposed upgrade is a significant increase in pipe capacity, but there are no details demonstrating the provision of additional inlet capacity to charge the stormwater pipes. There is no demonstrated need for this pipe upgrade.

6. There are issues with stormwater connections. The two new stormwater connections to the channel are not supported by Council. High velocities occur in the channel, exceeding 3m/s in the proposed discharge locations. Works in the channel have the potential to alter flow behaviour and impact adversely on the channel. The site drainage must be connected to the stormwater pipe in the easement on 25&27 Pembury Rd and the stormwater pipe in the walkway between the subject property and 9 Montore Rd, prior to the pipes entering the channel to minimise the number of connections and reduce impacts on the channel.

7. There are issues with the flood modelling:
   a) Council does not agree with the methodology of blocking pipes except for the pit and pipe network in the easement to the south of the property and the road to the north. For the road to the north, does this mean the upstream sections of the pipe network were assigned 100% blockage until reaching the subject property. If so, this is not a conservative approach as mentioned in the report as it will add additional capacity to the drainage lines at the property where 25%

blockage has been applied. This needs further explanation and investigation using a standard blockage rates across the stormwater network. Council normally models these systems with 20% blockage applied to grade pits, 50% blockage applied to sag pits and 50% blockage applied to culverts with a diagonal dimension or diameter less than 3m.

b) As per point 5, the pipe upgrade in the drainage easement may not be implemented. The applicant should model the proposed development, with the existing pipe network in the easement and demonstrate the impacts as it is likely this will exacerbate the increase in flooding in 25&27 Pembury Rd.
c) An upgrade of the pipe in the easement to the south of the site may be required to allow additional capacity for the site drainage to be added.

Water Quality

The following general comments are provided:

1. The subject site sits on the interface with Bow Bowing Bunbury Curran Creek and needs to ensure the water quality is being protected.
2. The following needs to be addressed:
    a) Not all of the runoff is directed towards the sedimentation basins. Considering the use of the site, this is not acceptable and will lead to a high level or sediment being discharged
    b) The emergency overflow weirs have no treatment preventing sediment and other contaminants being washed from the site.
    c) Considering the nature of the site, all flows to be treated prior to discharge.
    d) The following water quality targets must be met:
        - Total Suspended Solids – 85% Reduction
        - Total Nitrogen – 45% Reduction
        - Total Phosphorus – 455 Reduction
    e) Appropriate pollutant generation rates for the development must be used to ensure appropriate pollutants are present in the modelling and the treatment devices are working accordingly.
    f) Only sedimentation basins are proposed, these are not sufficient to treat TN and TP.

Conclusion

By comparison to other similar operations, when measured as a function of site area to incoming tonnes per annum, it is questionable whether the proposed facility is capable of processing 450,000 tonnes of recyclable material per annum due to the operational issues associated with the intended incoming load rates.

There are also significant issues regarding migration of contaminated air, odour and detrimental noise sources emanating from the site which have not been satisfactorily considered in this application.

The proposed Resource Recycling Facility appears to extend beyond the site's capabilities and design parameters due to the highlighted traffic management and environmental concerns which have the potential to significantly impact on neighbouring and/or nearby premises in addition to the water quality and sensitive environs around Bow Bowing Creek.

Thank you again for the opportunity to comment on the subject State Significant Development proposal and sincerely apologise for the delay in sending this response.

If you require any further information please contact Council's Senior Strategic Planner, Mr Stephen McDiarmid, on (02) 4645 4396.

Yours sincerely

Rana Haddad
Coordinator Central Business District

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Emma Barnet
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms. Barnet,

Minto Resource Recovery Facility (SSD-5339)

Thank you for your correspondence via Major Project portal (ref: PAE-10113682) on 16 October 2020, requesting Transport for NSW (TfNSW) to review and provide advice on the subject proposal.

The Environmental Impact Statement (EIS) and Traffic Impact Assessment (TIA) have been reviewed. There are several issues observed from the EIS and TIA that require clarification as part of the Response to Submissions. The matters in question are outlined in attached **TAB A** for consideration.

Thank you again for the opportunity of reviewing the subject matter. If you require any further information, please don't hesitate to contact Billy Yung, Senior Transport Planner, via email at billy.yung@transport.nsw.gov.au. I hope this has been of assistance.

Yours sincerely

9/11/2020
Mark Ozinga
Principal Manager, Land Use Planning & Development
Customer Strategy and Technology

CD20/08169

Issues requiring clarification

The following observations are made from the Environmental Impact Statement (EIS) and Traffic Impact Assessment (TIA) that can be clarified as part of the Response to Submissions:

1. The proposed inbound and outbound truck routes indicate that the development traffic would pass through the intersection of Ben Lomond Road/Campbelltown Road. However, this intersection has not been included in the traffic survey/assessment.
2. Section 2.2 of the EIS states that waste material would be delivered onsite by truck with an average weight of 16 tonnes. However, in section 2.9 states the average weight load would be 18 tonnes (daily capacity of 1,600 tonnes/89 loaded trips). Clarification should be provided whether this may result in number of trips generated being underestimated, should trucks with a 16 tonne payload be utilised.
3. Section 10.5.4 of the EIS and Section 5.4 of the TIA suggests that 95% of outgoing trucks will be empty and do not require to be weighed as the weight is known. However, based on data presented in Table 2-4 in the EIS, it appears that around 48% (82 out of 171 inbound trips) of inbound trucks will arrive empty. Clarification should be provided to confirm that this will not result in queuing onto the public road.
4. Table 2 (page 16) of the TIA indicates a larger number of outbound trucks (51) than inbound trucks (20) during 6-8am. If approximately 30 trucks will be onsite after operating hours, clarification should be provided regarding the parking capacity for these trucks.
5. The site is located within the approved 25/26m B-Double area, however, the design vehicle for the site is limited to 19m semi-trailer only. The applicant may consider whether the internal road network should be designed to accommodate 25/26m B-Double to improve efficiency.

DOC20/856333

Emma Barnet
Planning and Assessment Division
Department of Planning, Industry and Environment
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PARRAMATTA NSW 2124
Email: emma.barnet@planning.nsw.gov.au

EPA Advice on Environmental Impact Statement

Dear Ms Barnet

Thank you for the request for advice from the Department of Planning, Industry and Environment requesting the review by the NSW Environment Protection Authority (EPA) of the Environmental Impact Statement (EIS) for the proposed Minto Resource Recovery Facility (SSD-5339) at 7 Montore Road, Minto.

The EPA has reviewed the following documents:

- Environmental Impact Statement Volume 1 – Nexus Environmental Planning Pty Ltd – 13 October 2020
- Site Water Management Plan – Martens & Associates Pty Ltd – March 2020
- Noise Assessment (Version D) – Wilkinson Murray Pty Limited – January 2019
- Air Quality Impact Assessment (Version A) – Wilkinson Murray Pty Limited – February 2019
- Traffic and Parking Impact Assessment – McLaren Traffic Engineering – 5 March 2020
- Letter of Advice of Proposed Resource Recovery Facility at 7 Montore Road, Minto – McLaren Traffic Engineering – 18 June 2020
- Preliminary Stage 1 / Stage 2 Environmental Site Assessment – Environmental Investigation Services – 10 January 2018
- Additional Site Investigation – EI Australia – 24 March 2020
- Remedial Action Plan – EI Australia – 24 March 2020

The EPA understand the proposal is for the operation of a resource recovery facility. The facility will have capacity to process 450,000 tonnes per annum of concrete, brick, asphalt, sandstone and sand from the building and construction industry into a range of products including road base, aggregates and sands. The facility will include a range of processing equipment including crushing, screening, sand washing and a pug mill.

Based on the information provided, the proposal will require an environment protection licence under sections 43 and 47 of the *Protection of the Environment Operations Act 1997* (POEO Act) for Resource Recovery, clause 34 of Schedule 1 of the POEO Act.

The EPA has reviewed the EIS and notes that the EIS does provide the information required by the Secretary's Environmental Assessment Requirements. However, the EPA requests additional information to be able to assess the proposal.

The EPA has the following additional comments and recommendations:

1. Matters to be addressed prior to determination

a. Air quality

The EPA has undertaken a review of the Air Quality Impact Assessment (AQIA) and determined that it requires further information from the proponent prior to providing final comments. Details of the required information are provided in Attachment 1.

b. Water pollution impact assessment

The EPA requires further information from the proponent in assessing the potential impacts of water discharges from the facility. The EIS and Soil and Water Management Plan (SWMP) indicate that controlled discharges from sediment basins may occur and that settling in the basins is the only treatment that runoff water will receive. The appropriateness of this settling treatment cannot be assessed as the SWMP and the EIS do not characterise the quality of the discharges or assess their potential impact on the environmental values of the receiving waterway. Similarly, the likely impact of runoff from the site during storms cannot be assessed unless the quality of the water is characterised.

If controlled discharges may occur, it is recommended that the applicant provides a water pollution impact assessment. This assessment should include details of the measures that have been considered and those proposed to be implemented to avoid or minimise discharges of pollutants.

For each proposed discharge point, this assessment should:

- estimate the expected frequency and volume of discharges
- characterise the expected quality of the treated discharges in terms of the typical and maximum concentrations of all pollutants likely to be present at non-trivial levels (this should be based on a risk assessment of the activities and materials on site and the expected performance of the proposed treatment measures)
- assess the potential impact of the proposed discharge on the environmental values of the receiving waterway consistent with the National Water Quality Guidelines (ANZG, 2018; including comparison of the predicted water quality to the relevant guideline values for slightly to moderately disturbed ecosystems)
- where relevant, identify appropriate measures to mitigate any identified impacts.

Consistent with the principles of the NSW Water Quality Objectives, the discharge impact assessment should demonstrate that the proposal will maintain the environmental values of the receiving waterway where they are currently being achieved or contribute to restoring the environmental values where they are not currently being achieved.

c. Sediment basin monitoring and management

The SWMP and the EIS commit to discharging water to meet 'water quality objectives' based on achieving a TSS of 50ppm. The appropriate water quality objectives, the NSW Water Quality Objectives, were not considered when determining the discharge water quality criteria. Following characterisation of the runoff water and the water pollution impact assessment, discharge criteria will need to be derived with reference to any pollutants with the potential to cause non-trivial harm, the environmental values of the receiving waterway, and what practical and reasonable measures are available to avoid or minimise any identified impacts.

To ensure appropriate management of the sediment basins and confirm that the storage provided is adequate the following details require clarification:

- the location of the southern sediment basin relative to the 1 in 5 year ARI (18% AEP) flood level. Locating the basin above this level will minimise inundation and maximise the basin's effectiveness.
- control of the pumps transferring water from the sediment basins to the storage tanks for reuse. It is unclear if control will be automatic and water will be pumped to the storage tanks from the sediment basins as the storage tanks are drawn down. Automatic control would maximise available sediment basin capacity

d. Waste storage

The EPA notes that the proponent is proposing that 75,000 tonnes of waste will be stored at the facility. While we note that the EIS contains site layout plans that broadly identify waste storage areas, it lacks specific details of how this storage will be managed. It is recommended that the applicant demonstrate that the proposed storage capacity of 75,000 tonnes is practical and achievable.

It is also recommended that the applicant identify the quantity of waste to be stored in each dedicated storage area. This should include proposed stockpile layouts, volumes and heights. I note that the site layout plans do not include a dedicated unloading and waste inspection area as required by the EPA's *Standards for Managing Construction Waste in NSW*.

2. Matters to be addressed with conditions

a. Noise management

The EPA recommends that conditions be included setting the noise limits deemed achievable in the Noise Assessment as part of the EIS. These limits are provided in the following table:

Location	Noise Limits in dB(A)			
	Morning Shoulder		Day	Evening Shoulder
	$L_{Aeq(15\ minute)}$	L_{Amax}	$L_{Aeq(15\ minute)}$	$L_{Aeq(15\ minute)}$
18 Hebrides Place, St Andrews (Lot 282, DP 261631)	52	63	53	53
14A Gleneagles Place, St Andrews (Lot 12, DP 718649)	52	63	53	53
9 Troon Place, St Andrews (Lot 351, DP 260428)	52	63	53	53

It is also recommended that attended noise monitoring be required to assess compliance with the noise limits once the facility is operational.

Conditions should also be included limiting the hours of operation and construction in line with the Noise Assessment.

It is also recommended that the proponent documents all proposed noise mitigation strategies prior to construction including measures to ensure compliance with the noise limits. It is recommended that this requirement be conditioned in any approved consent.

The EPA can provide specific recommended noise conditions if required.

b. Waste limits

The EPA recommends that incoming waste limits be set in line with the below table. This limits the receipt of waste to what was described within the EIS.

Waste	Description	Activity	Other limits
General solid waste (non-putrescible)	Limited to concrete, brick, asphalt, sandstone and sand from the	Resource Recovery	No more than 450,000 tonnes of waste to be received per annum

	building and demolition industry.		

c. Remediation of asbestos impacted soils

The EPA notes that asbestos contamination has been identified within soils at the premises. The proponent has proposed to remediate this contamination prior to the construction of the facility. We note that one remediation option proposed includes on-site consolidation and encapsulation. Any remediation undertaken must ensure that there are no impacts on the future operation of the facility. Particular attention should be given to the potential for intermixing of contaminated material with operational surfaces and incoming materials.

d. Storage of dangerous goods

The proponent must ensure that all dangerous goods, including diesel, are stored in appropriately bunded areas to ensure any spills do not impact the surrounding area.

3. Minor matters

a. Inspection of incoming waste

The Traffic Impact Assessment that accompanies the EIS indicates that the average unloading duration of incoming vehicles carrying waste is 180 seconds. McLaren Traffic Engineering also indicate that there are six proposed unloading locations at the facility. The EPA's *Standards for Managing Construction Waste in NSW* require all incoming waste from construction and demolition sources to be tipped and spread for inspection. The material must then be turned and inspected again prior to proceeding for processing. The standards include requirements that the tip and spread area must meet, including its size. I note that the Traffic Impact Assessment has not specifically referred to the standards and how they will be met.

The EPA is concerned that the number of incoming truck movements, along with the short inspection time estimated, would not allow enough time to carry-out a genuine assessment of waste received. Consequently, any non-conforming waste (e.g. asbestos) present in incoming loads may not be identified. If the proposal is approved and a licence issued, the licensee must be able to comply with the standards at all times.

If you have any questions about this request, please contact Greg Frost on (02) 4224 4113 or via email at waste.compliance@epa.nsw.gov.au.

Yours sincerely

CATHERINE STACK
Unit Head Regulatory Operations

Attachment 1: Issues identified with the AQIA that should be addressed

1. **No information provided regarding the modelled emission rates, and lack of clarity whether peak daily operations were modelled**

The AQIA provides an emissions inventory (Table 6-1) in terms of kg/year. Mass emission rates in g/s are not provided, and it is therefore unclear whether dispersion was modelled assuming emissions are averaged over the entire year. For example, it is not clear whether emissions were modelled for every hour of the year, or just during operating hours. Confirmation is also required that emissions due to wind erosion from stockpiles have been modelled for every hour of the year. Further, peak daily operations (e.g. campaign crushing) have not been modelled. Since particulate has 24 hour average impacts, it is important for the proponent to nominate peak daily operations, and model at these.

The proponent should provide mass emissions rates (g/s) and discuss how emissions were modelled over the course of the year. Peak daily operations should also be modelled.

2. **Control of emissions from fugitive sources not benchmarked against best practice**

For fugitive sources, section 128(2) of the POEO Act requires that the operator employs such practicable means as may be necessary to prevent or minimise air pollution. This is especially relevant to the proposal, which is for a large (450,000 tonnes per annum) facility in an urban area close to receptors and potentially significant incremental impacts are predicted.

The AQIA hasn't provided sufficient information to demonstrate that all practicable means will be used to prevent or minimise emissions from fugitive sources. For example, the crushing and screening operations are undertaken in a building that is open on at least one side and can possibly be opened on three sides. It is understood that emissions from the crusher and screen are not captured. Further, it is not clear whether the product will be stockpiled in 3 sided bunkers, with walls that are higher than the stockpiles. Paving of the on-site road should also be considered.

The proponent should benchmark emissions controls of fugitive sources against best practice. An example of best practice includes processing and storage in a complete enclosure and paving all roads. Where best practice is not proposed, there should be robust justification.

3. **Unclear whether wastes are stockpiled outside prior to crushing**

According to the AQIA, the received waste is deposited to a designated stockpile. The site plan shows product stockpiles, but not waste stockpiles (i.e stockpiles of waste prior to processing). It is unclear where on the site the waste stockpiles are located. If waste stockpiles are located outside, they should be included as an additional source.

The proponent should clarify the locations of the waste stockpiles, and whether they have been included as a source of particulate in the modelling. If they have not been included, the proponent should provide justification for not including them, or else revise the modelling to include the additional source.

4. **Unclear how the Aermet data set was generated, and the validity of the Aermet generated meteorology data used in the modelling has not been demonstrated**

According to the AQIA, TAPM data was generated using meteorology data from the Kurnell Bureau of Meteorology Station. Due to the distance between Kurnell and the site, the EPA assumes that the reference to Kurnell is a typographical error, though this should be confirmed, and the correct meteorology station be provided. There are no details provided of how the Aermet generated data

set was generated and validated. The Aermet generated data should be validated against observational data that was not used to generate Aermet. It is not clear whether this was done.

The proponent should provide the meteorology station used to generate TAPM, and provide additional details regarding how the Aermet data set was generated, including whether observational data was used. Aermet generated data should be compared to observational data not used to generate Aermet.

5. **Assessment of impacts at Next Generation Childcare Centre not provided.**

Next Generation Childcare Centre is located at 30 Sweetenham Road, Minto, approximately 500m north of the site. Incremental and cumulative impacts have not been provided at this receptor.

Incremental and cumulative particulate impacts should be presented at the Next Generation Childcare Centre, 30 Sweetenham Road, Minto.

6. **Control factor used in the calculation of emissions from wind erosion not appropriate**

The AQIA assumes a 30% reduction in wind erosion emissions due to surrounding buildings and infrastructure. This is not appropriate. Surrounding buildings can create wind channels which can act to enhance erosion. The 30% reduction factor would be appropriate to use if the stockpiles are located in three sided bunkers, where the height is greater than the stockpile.

If bunkers are not proposed, then modelling should be revised without the 30% control factor.

Emma Barnet

From: Brendan.M Hurley <Brendan.M.Hurley@fire.nsw.gov.au>
Sent: Thursday, 19 November 2020 2:52 PM
To: Emma Barnet
Cc: Fire Safety
Subject: Notice of Exhibition – Minto Resource Recovery Facility (SSD-5339). BFS20/3278

Notice of Exhibition – Minto Resource Recovery Facility (SSD-5339)

Dear Emma,

Fire & Rescue NSW (FRNSW) acknowledge the receipt of your email on the 16th October 2020, requesting input into the Environmental Impact Statement (EIS) for the Minto Resource Recovery Facility (SSD-5339).

It has been the experience of FRNSW that waste recycling facilities pose unique challenges to firefighters when responding to and managing an incident. Factors such as high and potentially hazardous fuel loads, facility layout, and design of fire safety systems have a significant impact on the ability to conduct firefighting operations safely and effectively. Consultation with organisations such as FRNSW throughout the development process enables the design and implementation of more effective fire safety solutions that help to mitigate the impact of incidents when they occur.

FRNSW have reviewed the documentation that was provided in support of the development and provide the following comments and recommendations for your consideration:

- It is recommended that the stockpile plan be updated to include specific locations, sizes (heights included), separation and vehicle access distances as per FRNSW's Fire Safety Guideline.
- It is recommended that advice and considerations contained within FRNSW's Fire Safety Guideline – *Emergency Vehicle Access* be addressed. This is required such that FRNSW are able to safely access all parts of the site where an incident may occur.
- It is recommended that provisions be made for the containment of contaminated fire water run-off based on the worst credible fire scenario for the site. Any system(s) provided is to be automatic in nature and should not rely upon on-site staff or emergency services personnel to access or activate provided systems or valves in the event of fire.
- It is recommended that if the development proposes to incorporate a fire engineered solution (FES), whether a building design having a performance solution in accordance with the *National Construction Code* (*NCC*) or other infrastructure where building codes are not applicable, FRNSW should be engaged in the fire engineering brief (FEB) consultation process at the preliminary design phase, post approval of the development application. FRNSW also recommend that clauses E1.10 and E2.3 be addressed where a FES is required.
- It is recommended that a Condition of Consent be included that would require the fire and life safety measures for the development to be reassessed for adequacy in the event that either; significant changes are made to the site configuration, processing capacity is increased from 450,000 tpa, or there are changes to either the accepted waste streams or a significant increase in streams that are combustible in nature.
- It is recommended that the an emergency plan for the waste facility in accordance with *AS 3745–2010 Planning for emergencies in facilities* be prepared for the development. An external consultant should be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.
- It is recommended that an emergency services information package (ESIP) be developed for the site and access to this document be provided to emergency service organisations. https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/guidelines_ESIP_and_TFP.pdf

If you have any queries regarding the above please contact the Fire Safety Infrastructure Liaison Unit, referencing FRNSW file number BFS20/3278. Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Regards
Brendan

INSPECTOR BRENDAN HURLEY
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Our ref: DOC20/856630-8
Your ref: SSD-5339

Emma Barnet
Senior Environmental Assessment Officer
Industry Assessments
Department of Planning Industry and Environment
Email: emma.barnet@planning.nsw.gov.au

Advice provided via the Major Projects Portal

Dear Ms Barnet,

Notice of Exhibition – Minto Resource Recovery Facility (SSD-5339) (Campbelltown)

Thank you for your referral dated 16 October 2020 inviting comment from Heritage NSW on the proposed Minto Resource Recovery Facility, 7 Montore Road, Minto. We provide the following comments in relation to Aboriginal cultural heritage regulation matters.

Previous Aboriginal cultural heritage advice for SSD 5339
We note the then Office of Environment and Heritage (OEH) provided advice to Nexus Environmental Planning Pty Ltd in relation to assessment requirements for Aboriginal cultural heritage for this state significant development on 11 January 2019. This advice included that an Aboriginal Cultural Heritage Assessment Report (ACHAR) must be prepared for the environmental assessment. The ACHAR was to be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) and needed to be supported by consultation with Aboriginal people undertaken and documented in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010).

Aboriginal cultural heritage regulation is now part of Heritage NSW
On 1 July 2020 the Aboriginal cultural heritage regulation functions under the *National Parks and Wildlife Act 1974* (NPW Act) were transferred to Heritage NSW in the Department of Premier and Cabinet. All references to the regulation of Aboriginal objects and Aboriginal places need to be updated to Heritage NSW.

Aboriginal cultural heritage regulation review of EIS and due diligence
Heritage NSW has reviewed the following documents as part of our assessment:

- *Environmental Impact Statement, Resource Recovery Facility SSD 5339 Concrete Recyclers Pty Ltd 7 Montore Road Minto,* (EIS) prepared by Nexus Environmental Planning Pty Ltd, dated 13 October 2020.
- Appendix 17: *Aboriginal Objects Due Diligence Assessment Minto Waste and Resources Recovery Centre Minto, NSW*, prepared by Niche Environment and Heritage, dated 26 March 2020.

We note the EIS (page 4-3) quotes the 2019 OEH advice regarding Aboriginal cultural heritage and states the required assessments have been included as Appendix 17 to the EIS. Section 15 of the EIS summarises the outcomes of a 2020 due diligence assessment and incorporates only two of the three recommendations. The EIS contains no specific commitments or mitigation measures in relation to managing Aboriginal cultural heritage under Table 16-1.

Contrary to OEH advice, an ACHAR has not been prepared and the consideration of Aboriginal cultural heritage was undertaken following the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010). Despite the development being identified to occur within an alluvial landscape known to contain Aboriginal objects, this report states the potential for Aboriginal cultural heritage has been removed by the history of earthworks across the site. We note there has been no on ground survey or test excavation undertaken to confirm any subsurface potential or the reported disturbance levels.

As the 2020 assessment was undertaken following the due diligence process there has also been no consultation undertaken with the Aboriginal community which may have provided more information about cultural values of the project area.

Aboriginal cultural heritage regulation advice
While the due diligence assessment states there are no Aboriginal heritage constraints based on the desktop analysis, we would recommend this be confirmed by an on-ground assessment as a minimum.

Given the landscape the development is located within, we support raising the cultural awareness of contractors working on site. We also provide additional recommendations:

- The Statement of Commitments in the EIS should be updated to include provisions for managing Aboriginal cultural heritage values.
- Any Aboriginal cultural heritage awareness inductions would benefit from the involvement of Aboriginal community representatives.
- An Unexpected Finds Protocol for Aboriginal objects needs to be included as part of any Construction Environmental Management Plan (CMP) prepared for the development works.

The EIS and due diligence report also contain several errors that need to be revised including:

- contacting the Office of Environment and Heritage under section 15.1.4 (EIS, page 15-4) if Aboriginal objects are found during works.
- administration of the NPW Act by OEH (due diligence report, section 1.4, page 2). This should now refer to Heritage NSW.
- referring to section 80B of the *National Park and Wildlife Regulation 2009* (due diligence report, section 4, page 14). Heritage NSW can advise that the Regulation was updated in 2019 with the Aboriginal cultural heritage clauses re-numbered.

Please note: the above comments relate to Aboriginal cultural heritage regulation matters only. You may wish to seek separate advice from Heritage NSW in relation to matters under the *Heritage Act 1977*.

If you have any questions regarding the above advice please contact me on (02) 6229 7089 or via email at jackie.taylor@environment.nsw.gov.au.

Yours sincerely

Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
4 December 2020