

Mr Brendon MacKellar
Director

COSTALOT 16
TORRENS ROAD
GUNNEDAH New South Wales 2380

11/02/2021

Dear Mr MacKellar

**Gunnedah Waste Facility (SSD-8530563)
Response to Submissions**

The exhibition of the development application including the Environmental Impact Statement (EIS) for the above proposal ended on 3 February 2021. 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/38166>.

The Department requires that you provide a response to the issues raised in those submissions, 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 and by the Department (**Attachment 1**) within two months of the date of the issue of this letter.

Unfortunately, Fire and Rescue NSW was not able to provide its submissions at the time of writing. This will be forwarded through once it has been received.

The Department notes several submissions have been received from the public and concerns have been raised regarding the extent of community consultation undertaken during the preparation of the EIS. The Department considers it necessary you undertake additional community consultation during the preparation of the response to submissions and suggests a further discussion with the Department on this matter prior to commencing this consultation.

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 received are not included in the deemed refusal period.

If you have any questions, please contact Katelyn Symington 8275 1216 or via email at Katelyn.Symington@planning.nsw.gov.au.

Yours sincerely



Chris Ritchie

Director
Industry Assessments

as delegate for the Planning Secretary

ATTACHMENT 1

In order to finalise the Department's assessment, additional information is required including but not limited to the following:

Description of Development

- Provide a detailed description of all proposed demolition and construction works, including confirming whether any excavation works are proposed (e.g. footings for buildings, weighbridges and upgrades to stormwater infrastructure).
- Provide a detailed description and a plan of the activities currently undertaken on site by existing operators including the depot, material storage and carparking and confirm whether it is proposed for these activities to continue.
- Provide copies of current planning approvals and permits related to the site.

Need for the Development

- Provide a more detailed justification for the project, including the demand for this type of facility in this location given the distance required to transport waste to the site.

Consultation

- A number of public submissions raised concerns with the consultation undertaken during preparation of the EIS. Please provide further details and justification for the selection of consultees, the method of consultation, matters raised during consultation and whether changes were made to the development in response to any matters raised.
- The Department considers further community consultation is necessary during the preparation of the response to submissions.

Waste Management

- Clarify the origin of the waste proposed to be received on site. It is noted the EIS mentions Sydney and Newcastle.
- Confirm the maximum tonnage of waste to be stored at any one time.

- Indicate on a plan where all incoming waste and outgoing products and any non-conforming waste will be stored.
- Provide further details on the amount of each product to be produced on site, what the product will be used for and the intended recipient.
- The EIS states material not suited to recycling will be transported to a licensed facility. Please confirm the location and type of facility referred to.
- Confirm and show on a plan the processes to be carried out in the processing shed e.g. shredding, crushing, screening. For excavated and C&D material the EIS states this would be shredded. Please confirm why excavated/C&D waste needs to be shredded.
- A front-end loader does not shred material. Please confirm if a shredder will be used on site and describe which waste would be shredded e.g. green waste (shown in the flow diagrams) and ensure that descriptions of waste and processing are consistent.
- The EIS states excavated material and C&D waste products would be moved to storage bins. These are not shown on any plan. Please confirm the location of the storage bins and if this is a reference to storage bays, please indicate which bays.
- The EIS states waste including concrete, bricks and tiles would be crushed on a campaign basis. Please confirm the frequency (per year), intervals between campaigns and the duration of each campaign. Please ensure all technical reports include an assessment of these campaigns.
- The waste flow diagrams mention handpicking. This is not mentioned in the process description. Please confirm why handpicking is required and where it would occur.
- Explain why acid sulfate soils and potential acid sulfate soils will be co-mingled with other materials and clarify what sorting/picking as outlined in the waste flow diagrams is required.
- Confirm the resulting products from the C&I waste and their storage location.
- The waste management plan indicates that a trommel will not be used for tyres. Tyres are not identified in the list of waste to be received. Please clarify whether tyres will be accepted and how these would be processed.
- The waste management plan states green waste would not be processed on site but separated and sent to a facility for processing. The description of waste does not include green waste. Please confirm how green waste would be sorted and which facility it would be sent to.
- Confirm where non-recyclable waste would be stored and how often the material would be removed from the site.
- Describe how asbestos and lithium batteries will be stored securely.

- Describe in detail how material will be removed from the site.
- The quantity of lithium ion batteries varies between the EIS, waste management plan and technical appendices (described as 0.5 and 1 tonne). Please make sure all documents are consistent.
- Clarify what is meant by the project treating waste from coal/energy related development in the Gunnedah region.
- Please include an assessment of how the development would be consistent with each of the EPA's Standards for managing construction waste in NSW (May 2019).

Air Quality

- Provide an assessment of air quality impacts associated with construction of the development.
- Provide a worst-case assessment of all emission generating equipment and activities including for screening and shredding of material.
- The assessment should consider the residence 59m to the west of the site as the nearest receiver. Please also assess receivers to the east and south-east of the site.
- The assessment should consider cumulative impacts with other development in the area, including the Whitehaven Coal Handling & Preparation Plant identified in the EIS.
- Please update the mitigation measures to address the exceedances of air quality criteria at nearby sensitive receptors.

Noise

- Provide an assessment of noise impacts associated with construction of the development.
- Revise the amenity noise levels in accordance with EPA's Noise Policy for Industry with appropriate classification of the existing land-use zoning of surrounding noise sensitive receivers. The Department does not consider the surrounding land can be classified as 'suburban', given the RU1 zoning.
- The assessment should consider the residence 59m to the west of the site as the nearest receiver. Please also assess receivers to the east and south-east of the site.
- If any negotiated agreement(s) exist, evidence of the agreements should be provided. Please note, the receiver(s) still need to be assessed.

- Describe the management and mitigation measures proposed to address exceedances under Scenario 2. Please demonstrate that these management and mitigation measures would be effective in minimising the impacts to sensitive receivers.
- Clarify how non-steady sounds such as movement alarms and incidental material handling noise have been incorporated in the calculation of time-averaged $L_{Aeq,15min}$ noise levels.
- Include records of on-site sound level measurement surveys (incl. photos, measurement methodology, process/activity description, processing/production rate, sound pressure and power level data) undertaken to develop the operational noise model within the noise assessment report.
- Provide evidence of modifying factors for tonal noise, low-frequency noise, intermittent noise and impulsive noise not included in the noise assessment report or include +10 dB adjustment for annoying noise characteristics be added to predicted $L_{Aeq,15min}$ noise levels at all sensitive receiver locations.

Traffic and Transport

- Confirm the number of construction vehicle movements and provide an assessment of impacts. It is noted construction traffic will enter and exit the site from Allgayer Drive.
- Provide a clear description and diagram of the transport routes. Please confirm the nominated roads are permitted to carry the largest type(s) of vehicles that will be entering and exiting the site.
- Clarify the proposed number of traffic movements generated by the development. The movements should reflect both a typical day and a worst-case scenario. Please make sure traffic movements make reasonable assumptions about payload and provide justification for any assumptions made.
- The assessment must consider movements of hazardous and non-conforming waste which would be removed more frequently / in smaller loads. If this is reflected in Figure 11.3 please provide an updated description.
- The quantity surveyor report states the project will involve 56 construction and 18 operational staff. The traffic assessment considers only 11 staff arriving and departing the site each day. Please update the TIA to reflect the proposed staff numbers.
- Confirm the largest vehicle expected to enter the site and provide swept paths for this vehicle. Please provide swept path diagrams showing vehicles exiting the site onto Torrens Road.
- Describe how site traffic will be managed when a B double or B triple (as shown in swept path diagrams) is turning right to enter the site as other vehicles would not be able to exit simultaneously based on the current width of the driveway.

- Confirm how waste will be moved from the unloading shed to the processing shed. Assuming a front-end loader is used, please confirm how will you manage these movements and potential conflicts with vehicles which are collecting and dispatching.
- Describe contingency measures for equipment and vehicle breakdowns.
- Provide an assessment of stacking spaces available and how the site will avoid vehicles queuing in the public road network.
- Clarify whether the secondary access to Allgayer drive is only for emergency access during a fire. Please confirm how site traffic be stopped from using this access during daily operations.

Hazards

- Clarify if used lithium batteries are considered a dangerous good and provide a Safety Data Sheet (SDS) of this material in accordance with the Work Health and Safety Regulation 2017 in support of this verification.
- If used lithium batteries are considered a dangerous good, include this material in the Hazardous and Offensive Development (SEPP 33) screening to confirm if the SSD is potentially hazardous, thereby requiring a preliminary hazard analysis.
- Describe the form in which used lithium batteries are received on-site (i.e. type of packaging, how they are sealed and stored, whether the battery poles have been sealed or capped).
- Provide confirmation of the maximum storage quantity of used lithium batteries.
- Indicate the storage location of used lithium batteries in a site layout plan.
- Verify the storage location of used lithium batteries in the site layout plan requested above can satisfy the requirements in FRNSW's Fire safety in waste facilities guideline.
- Clarify if used lithium batteries will be processed or treated in any way on-site and expand the EIS as necessary.

Fire Safety

- Plans show the height of the open storage bays as 4.5m with the indicative stockpile height as 3.5m. However, the EIS describes stockpiles as being less than 4m. To comply with the Fire Safety Guideline the stockpiles must be 1m below the height of the wall.
- Provide a stockpile management plan including details of the location of all proposed stockpiles, their height and an indication of the type of waste or product to be stored. The plan should include internal and external stockpiles and should clearly show there is suitable access for firefighting equipment.

- Provide a plan showing the location of all proposed fire hydrants noting these must be more than 10m from stockpiles and accessible for firefighters entering the site.
- Provide details of all sprinkler and hydrant systems including flow rate and capacity and details of the smoke exhaust system.
- Provide details of the measures to contain fire water run-off noting that in addition to four hydrants there is a requirement for a sprinkler system.

Soil and Water

- The Preliminary Site Investigation (PSI) stated its objective was to determine the suitability of Lot 2 for the proposed use. A revised PSI is required that provides an assessment of the suitability of the entire site (Lot 1 and Lot 2), supported by soil sampling within Lot 1.
- Describe how the wheel wash would be maintained and confirm whether it is connected to any surface water management system.
- Confirm whether the leachate management system is separate or draining to the general surface runoff drainage system and this is reflected in the modelling in Appendix C.

Visual

- Provide a visual impact assessment which considers the amenity of the surrounding area, including rural residential properties nearby.