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9/12/2019

Objection to proposed Metal Recovery and Recycling Facility (SSD 8375)
56-69 Tattersall Road, Kings Park

Dear Chris

1. Introduction

This letter is our formal objection to the State Significant Development (SSD) Application for the metal recovery and recycling facility (SSD 8375) (the Proposal) at the 'Pick and Payless' site, 56-69 Tattersall Road, Kings Park (the P&P site). This letter has been prepared based upon our review of the documentation (Environmental Impact Statement (EIS) and associated technical reporting and plans) placed on public exhibition for SSD 8375.

This submission is made on behalf of Sell and Parker whom own and operate a number of properties on Tattersall Road, Kings Park. In particular, Sell and Parker own and operate the neighbouring metal recovery, processing and recycling facility at 45/23-43 Tattersall Road, Kings Park (the Sell and Parker site). This site is located immediately west of the P&P site.

Sell and Parker has, through the completion of works associated its SSD 5041 Approval (and associated modifications 1-3), undertaken a program of improving the operations and environmental performance of their own facility. Key areas of improvement include surface water, air and noise emissions, hazard, risk and fire management and worker safety.

The key purpose of this objection is to ensure that there is a uniformity of compliance with this Proposal for all metal recycling facilities. Therefore ensuring that the P&P site, would be of a similar standard to ensure the protection of the surrounding environment, minimise impacts (safety and health) on the surrounding area (including the Sell and Parker site) and ensure the Proposal does not detrimentally impact on the operations of the Tattersall Road industrial sites and businesses.

This objection also aims to highlight the inadequate nature of consultation undertaken to date. Of particular concern is the lack of community consultation undertaken by the Applicant. For example, Sell and Parker was not adequately consulted[1] by the Applicant,

[1] A submission has also been provided by Luke Parker (Managing Director – Sell and Parker) on 26 November 2019 identifying that Sell and Parker (or their neighbours) had not been consulted prior to submission of the EIS. Further discussion is also provided in Section 2, below.

as is required by the Secretary's Environmental Assessment Requirements (SEARs), and therefore this is the first-time comment has been able to be suitably provided. As a natural consequence, this lack of consultation has restricted the opportunity for comments to be considered within the EIS (and other documentation) and the potential for amendment to the design to resolve these issues. In addition to Sell and Parker (and surrounding landowners), it seems that relevant agencies have not been consulted as part of the EIS preparation. As this is a key requirement of the SEARs this failure to consult considerably reduces the validity and adequacy of the EIS (and other documentation) placed on public exhibition.

The key areas of concern are as follows:

- The SSD Application includes works within and adjacent to Breakfast Creek (land owned by Blacktown City Council (Council)) which have not been identified within the Development Description or the Development Plans. It is also unclear if Council has been consulted (in general or to obtain landowners consent) for these works.
- The Proposal identifies that some works (for example the eastern driveway which is intrinsic to the operation of the Proposal) would be excluded from the SSD Application. This approach is inconsistent with standard practice and limits the opportunities for the P&P site to be regulated under a consolidated approval (as requested by the SEARs). It is also inconsistent with the Applicant's stated objective in paragraph 1.2 of the EIS for the development to be assessed within a single approval, providing greater transparency of operations on site.
- The P&P site currently operates unlawfully (i.e. activities are inconsistent with the existing approvals) which, in addition to resulting in detrimental impacts to environment and surrounding properties, reduces the transparency of the documentation provided and increase the need for on-going regulation (based on existing and proposed approvals).
- The EIS does not (either the Development Description or the impact assessment) discuss the intended operations for the 'Pick n Payless' car storage/ retail area which is intended to remain a key part of the P&P site operations. This approach reduces the validity of the impact assessment and the ability for a consolidated consent to be provided for the P&P site.
- The impact assessment provided is inadequate and has not been based upon a consolidated and consistent development description. In addition to this, the assessment has not considered nor mitigated all potential impacts posed by the Proposal. Specifically:
  - Soil and water – the stormwater management system is not considered suitable to treat all areas of the P&P site and discharge into Breakfast Creek (without identification of water quality controls or a monitoring program) is proposed
  - Air quality – not all receivers have been considered and the air quality impact assessment has not considered all potential emissions from the Proposal
  - Traffic and transport – staff and visitors traffic movements have not been considered and other traffic generation numbers seems to be incorrect
  - Fire – fire management measures are inconsistent, do not reflect the entire site operations and are considered unsuitable particularly in the context of a recent fire occurrence.

Further discussion in relation to the key concerns which have been identified in Arcadis' (environmental and planning), Sell and Parker's (operational, safety and environmental) and MJ Harvey and Associates' (fire) review have been provided below. This

submission identifies only the key issues and preliminary recommendations which are considered to guide the preparation of a suitable EIS. Notwithstanding this, Sell and Parker does not believe that, should all these recommendations be implemented, this would fully rectify the fundamental concerns associated with the Proposal. Therefore, Sell and Parker would appreciate the opportunity to comment further on a complete submission, when provided by the Applicant.

Given the number of concerns identified, insufficient consultation and the failure to address the project SEARs, the following is suggested for the SSD Application:

- Refusal
- If this is not considered suitable, as a minimum the EIS should be updated and re-exhibited or alternatively the identified issues should be addressed through a publicly exhibited Response to Submissions Report (RtS). This would provide the opportunity for Sell and Parker (and other concerned parties) to review responses to the concerns raised.

Further discussion providing an overview of the key concerns for the SSD Application, are provided below.

2. Discussion

Table 1 provides an overview of the key issues which have been identified from the review of the EIS and associated documentation on exhibition for SSD 8375.

Table 1 Key issues associated with SSD 8375

No.	Issue	Comment	EIS Reference	Initial recommendation
1.	**Property description and landowners' consent**	The Statement of Validity indicates that the 'land to be developed' includes Lot 100, DP 792731 (i.e. the P&P site only). Notwithstanding this, the Soil and Water Report (Appendix T (Appendix B) of the EIS) identifies that drainage works (including proposed pipes and headwalls (east and west) to facilitate discharge into Breakfast Creek) are to be undertaken to the south of the P&P site, which is upon land understood to be owned by Council (refer to *Attachment A*). Section 13.2 of the EIS indicates that Council has not been consulted as part of the preparation of the EIS (as is required within the SEARs). Therefore, it seems that Council has not been notified and that landowner's consent may not have been obtained for the works proposed on this parcel of land. It is noted that the SSD Application Form has not been provided as part of the exhibition and therefore it is unclear whether this has referred to the works on the Breakfast Creek parcel of land. Further, as this parcel of land has not been identified within the EIS an adequate impact assessment does not seem to have been undertaken. This parcel of land is located within a relatively sensitive area, adjacent to and within Breakfast Creek, and therefore impact assessment for this area is of key importance.	Statement of Validity, Section 13.2 and Appendix T (Appendix B)	The Development Description (and SSD DA Form as relevant) should be updated to identify impacts on the Breakfast Creek parcel of land. If not obtained already, landowner's consent should be obtained for the impact on the Breakfast Creek parcel of land.
2.	**Consultation**	Section 13.1 of the EIS indicates that community consultation was undertaken in the form of a drop-in session and one phone call. The SEARs require consultation with "nearby landowners that may be affected by the proposal". As has been indicated in Sell and Parker's submission (dated 26 November 2019) no targeted consultation has been undertaken with potentially affected landowners, in particular Sell and Parker. Further, Sell and Parker's attendance at the drop-in session was by coincidence having walked past the signage and entering the session without context of this relating to SSD 8375. The community consultation undertaken is therefore considered inadequate in the context of the SEARs and in that affected landowners have not been provided with the opportunity to comment as part of the preparation of the EIS.	Section 13.1	Further consultation should be undertaken with Sell and Parker. After this consultation, either the EIS (updated) or an RtS should include all details on consultation undertaken (as required by the SEARs,

No.	Issue	Comment	EIS Reference	Initial recommendation
		Section 13.2 of the EIS indicates that agencies were not consulted during the preparation of the EIS. This is inconsistent with the SEARs and does not afford the opportunity for design changes (as required to respond to agencies) to be included within the EIS. Ultimately, a key step in the SSD assessment process has been excluded therefore reducing the validity of the EIS.	Section 13.2	in addition to comments received through public exhibition). These documents should be placed on public exhibition to provide relevant stakeholders the opportunities to comment, particularly in regard to how the design has responded to key issues.
3	**Planning approvals**	Section 3.5 of the EIS provides an overview of previous and existing planning approvals for the P&P site. Based on a review of these, it is clear that there are overlaps between the built-form and activities identified in these approvals. Based upon Section 4.1 of the EIS it is understood that the Applicant intends to surrender the current Development Applications (DA) (DA 96-185, DA 18-01273 and DA 18-02214) for the P&P site. Notwithstanding this, Section 4.3.1 identifies that that a "separate application will be submitted to Council for the extension of the driveway width". Therefore, a separate DA, which overlaps the SSD 8375 (if approved), could potentially be active on the P&P site. In addition to this there are a number of potentially unlawful works that are not consistent with existing approvals (refer to Section 4 of this submission below). Further, as identified below the impact assessment provided does not adequately consider the existing P&P operations (namely the car storage) in the context of the Proposal, which further creates complexities with the regulation of the P&P site (i.e. preparation of appropriate conditions of consent). The approach undertaken by the Applicant in overlapping approvals is considered inconsistent with standard practice for approvals under the *Environmental Planning and*	Section 3.5 and Section 4.3.1	The Development Description should be updated to include the eastern driveway width extension and nominate works required for the eastern roadway for clarity. Further impact assessment should be undertaken accordingly.

No.	Issue	Comment	EIS Reference	Initial recommendation
		Assessment Act 1979 (EP&A Act). A key concern is that this approach results in a high potential for 'piece meal' environmental assessments that do not consider the full extent of potential environmental impacts, particularly in regard to cumulative impacts (i.e. impacts of combined developments). This approach is likely to result in inadequate impact assessments and mitigation measures that may not be suitable to respond to the issues posed by the development as a whole. Further, overlapping approvals create a considerable challenge to regulators as there is generally a lack of clarity regarding with conditions of consent or requirements which need to be enforced. This is concern is highlighted in the SEARs for the SSD Application where DP&E request that they would like the Proposal to operate under 'a single, modern planning approval' and that the applicant should consider 'surrendering all existing planning approvals' for the facility if approved. Ultimately, the approach undertaken by the applicant is considered inconsistent with the SEARs.		
4	**Compliance with existing operations**	The EIS identifies a number of existing non-compliances with existing operations either directly (through the independent audit (Section 3.6)) or indirectly (through the identification of existing operations within the EIS impact assessment). The key compliance (with existing approvals) concerns are as follows: • DA 18-01273 allows for a maximum throughput of 30,000 tonnes per annum (tpa). The Traffic and Parking Impact Assessment (Appendix M of the EIS) indicates that, based on the number and tonnage of trucks currently entering the P&P site, that existing processing is potentially above this maximum throughput (refer to the Traffic and Transport section below for further detail). • Two prevention notices (under the *Protection of the Environment and Operations Act 1997*) have been recently been placed on the P&P site by Council. It is unclear whether these have been addressed. They include the following: – Dated 28 May 2019 – location of unauthorised floc stockpiles and confirmation (through the preparation of a Stage 2 – Detailed Site Investigation) to confirm the level of contamination and remediation strategies for these areas.	Section 3.6 and Appendix M	Any current non-compliances should be resolved/rectified prior to determination of the SSD Application.

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		– Dated 28 May 2019 – ceasing of wastewater run-off (in particular from the processing area and floc stockpiles) into Breakfast Creek ensuring that this is treated through an on-site detention basin, and associated monitoring to be undertaken prior to any discharge. • In early December 2019 on-site detention tanks were delivered and installed on the P&P site (refer to photos in *Attachment B*). The approval in which these works relate is unclear with them being considered likely to be unlawful works. These tanks are also not discussed within the EIS and therefore have not been integrated into the overall stormwater strategy for the P&P site. • In early December 2019 removal of trees was undertaken (on the landscaped mound) to accommodate the western driveway/roadway proposed from the existing visitor's car park (refer to photos in *Attachment B*). Based on review of these photos these trees are considered native. The approval in which these works relate is unclear with them being considered likely to be unlawful works. Further, the EIS did not access the removal of these trees or indicate that they would be removed under a separate application which reduces the transparency of the impact assessment provided. • In late December 2019, soil has been excavated from the P&P site and stockpiled adjacent to the southern boundary (Breakfast Creek) (refer to photos in *Attachment B*). The contamination extent of this soil is unknown. Regardless, it seems that no sediment and erosion and control has been implemented to reduce migration of sediment from the P&P site into Breakfast Creek. All of the above existing compliance concerns reduce the transparency of the documentation (and therefore assessment process) and reduce the opportunity for the P&P site to adequately operate and be regulated under a consolidated approval.		
5	**Development Description**	Section 4.1 indicates that the maximum proposed throughput for the Proposal is 130,000 tonnes of scrap metal per annum. The subsequent sections indicate the following processing:	Section 4.1	The Development Description should be updated to confirm the maximum processing to be undertaken per

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		• THOR 212K mobile hammermill shredder (Section 4.5.2) – 104,000 tonnes per annum (tpa) • Vezzani Shear (Section 4.5.5) – 26,000 tpa • Copper Granulator (Section 4.5.6) – 240 tpa. Based on the processing identified above the Proposal would potentially process 130,240 tpa (i.e. over 130,000 tpa which has been indicated as the maximum). This is considered a minor discrepancy however clarity on this issue would allow for a more definitive maximum throughput to be established, and therefore (subject to approval) regulated.		annum for the Proposal. Further impact assessment should be undertaken accordingly.
		Section 4.2 provides a brief overview of the intended 'Pick n Payless' car storage/retail operations that are included within the Proposal. With the exception of identifying the area would be reduced in size and that operational hours would be maintained there is considerably limited information on how this aspect of the P&P site would operate in the context of the Proposal.		The Development Description should be updated to provide further information in relation to how the Pick n Payless (car storage/retail) would operate in the context of the Proposal.
		The Development Plan (Appendix A of the EIS) is considered only indicative and in addition to being inconsistent with the Development Description (discussed below) is not considered of suitable detail for assessment. In particular, built form (such as sheds etc) has been proposed with no elevations and sections provided. This level of detail is required by Schedule 1 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Reg) and is requested in the SEARs. It is noted that Engineering Plans (Appendix S of the EIS) have been provided however these lack a distinct identification of final surface levels and, in particular, the location of sections provided have not been shown on the plans for reference.	Appendix A and Appendix S	The Development Plan and Engineering Plans should be updated to include further detail, particularly elevations and sections.
		Section 4.2 indicates that medium rigid vehicles would enter the eastern driveway, 'weigh in' and then U-turn and enter the western driveway. The location of the proposed turning	Section 4.2, Appendix A	The Development Plan (Appendix A) should be

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		circle has been included within the Traffic and Parking Impact Assessment (Appendix M of the EIS) however has not been shown on the Development Plan (Appendix A of the EIS). Further, the Traffic and Parking Impact Assessment indicates that cars within the storage area are to be relocated to accommodate this turning circle. This has not been identified on the Development Plan. It seems that works relating to the construction of the turning circle have not been included within the EIS and therefore an adequate impact assessment (other than traffic) has not been undertaken.	and Appendix M (Appendix B)	updated to identify the works to be undertaken to accommodate this turning circle. Further impact assessment should be undertaken to consider these works, ensuring a complete assessment of the Proposal has been undertaken.
		Section 4.4.2 of the EIS indicates that one tree adjacent to the western property boundary would be removed. No other trees are indicated to be removed. Notwithstanding this, based on the Development Plan (Appendix A of the EIS) and knowledge of existing vegetation it seems likely that other trees would be removed or impacted by the Proposal, namely: • Extension to the width of the eastern driveway – impact or removal of trees on the northern (street frontage) of the P&P site • Construction of a western driveway (from the existing visitor car park) – removal of trees on the landscaped mound – it is understood that these trees have been unlawfully removed (refer to Section 4 of this submission). • Establishment of the roadway along the western boundary – removal of trees or damage to root structures. *Attachment A* of this submission shows an outline of the trees anticipated to be impacted by the Proposal, which have not been considered within the EIS. *Attachment B* of this submission show trees which have been recently removed (which may be an unlawful activity).	Section 4.4.2 and Appendix A.	The Development Description should be updated to clarify whether further tree removal/impact is to be undertaken. Further impact assessment should be undertaken accordingly.

No.	Issue	Comment	EIS Reference	Initial recommendation
		Section 4.3.1 identifies that that a “separate application will be submitted to Council for the extension of the driveway width”. The current width is 8.5m with the required width, for the operation of the Proposal, being 11m. It is understood that this extension is intrinsic to the operation of the Proposal and is also identified on the Development Plan (Appendix A). It is unclear whether these works are intended to be included within this Proposal[2]. Further, the Development Description (Section 4) and the Development Plan (Appendix A of the EIS) does not identify any works to be undertaken between the eastern driveway widening (if included) and the roadway to be constructed south of the weighbridge. It is unclear whether the existing hardstand is suitable for the proposed operations or if works would be required to this part of the P&P site.	Section 4.3.1 and Appendix A	The Development Description should be updated to include the eastern driveway width extension and nominate works required for the eastern roadway for clarity. Further impact assessment should be undertaken accordingly.
		Figure 4 – ‘Proposed site layout’ includes a plan (revision E) which is inconsistent with the Development Plan (revision H) provided within Appendix A. Of particular note is inconsistencies with stockpile sizing and locations and the proposed western driveway not being shown in the Development Description.	Section 4 and Appendix A	The Development Description should be updated to be consistent with the Development Plan.
		Section 4.3.3 identifies that four car parking spaces are to be removed from the existing visitor parking area (to the immediate south of Building A) however this is not identified on the Development Plan.	Section 4.3.3 and Appendix A	The Development Plan should be updated to indicate the car parking spaces which are to be removed (within the visitor parking area) as part of the Proposal.
		Section 4.5.2 indicates types of input material which cannot be shredded by the Thor 2121K shredder. The method for managing (stockpiling, processing and/or transporting off-site) is not clearly identified.	Section 4.5.2	The Development Description should be updated to include a description of how

[2] Refer also to comments above surrounding planning approval approach and the need to ensure clarity and consistency within the approval process.

No.	Issue	Comment	EIS Reference	Initial recommendation
		In addition to this, based on Sell and Parker's understanding of the type of operations proposed (and their experience in similar operations) oxy cutting would be required on-site to breakdown certain structural steel prior to being processed by the shredder. The Development Description does not mention any oxy cutting, nor is this mentioned within the EIS. Oxy cutting has the potential to result in detrimental environmental impacts in relation to air emissions (odour), noise and fire hazard.		materials that cannot be shredded would be managed on site. An updated impact assessment should be provided or alternatively oxy cutting should be prohibited on-site (via a condition of consent).
		Section 4.5.3 identifies that the average daily production for the Thor 2121 K shredder is 400 tonnes. Section 4.7.5 indicates that 'no more than 30 tonnes of material will be removed to landfill on a daily basis'. Section 4.9.2 indicates that approximately 16% of shredder output is floc. Based on the information provided it is considered likely that approximately 64 tonnes of floc (i.e. 400 x 16%) would be created on-site each day, however that only 30 tonnes of floc (or other material) would be removed from the P&P site to landfill. Therefore, on a daily basis there is considered to be a surplus of 34 tonnes (i.e. 64 tonnes generated minus 30 tonnes transported off-site) of floc that would be stored on-site. The location of this floc storage and the approach to managing potential environmental impacts (land and water contamination and fire) has not been provided within the EIS (or associated documentation).	Sections 4.5.3, 4.7.5 and 4.9.2	The Development Description should identify how surplus floc would be managed on-site. Further impact assessment should be undertaken accordingly.
		Section 4.5.8 indicates that 10 x 900L tanks would be used for fuel, oil, diesel and coolant storage. Notwithstanding this, the Development Plan indicates that 10 x 980L tanks would be provided for this storage. Therefore, there seems to be a discrepancy of 800L storage potentially of fuel on-site which could impact upon the impact assessment (fire and general hazard and risk) undertaken within the EIS.	Section 4.5.8	Ensure that that Development Plan and Development Description identify a consistent amount of storage of fuel (or other products) on the P&P site. Further impact assessment should be

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				undertaken as appropriate.
		Section 4.7.3 indicates that a 'dust suppression system' would be installed for the Proposal. This implies that an emissions control system is to be installed for the Proposal, however no further details in regards to the location of this system, the specific operation of this system or how it would be monitored have been provided. Further information would improve the impact assessment provided.	Section 4.7.3	The Development Description should provide further details in relation the location and functionality of the proposed dust suppression system.
		The Development Plan identifies a number of stockpiles which are to be located adjacent to the proposed operational equipment. Overall the location and extent of stockpiles is not considered consistent with the processing (quantum or operational requirements for feeding materials into the equipment) to be undertaken on the P&P site. In particular, the 'shredder stockpile' identified is not in close enough proximity to the shredder to feed this equipment. It is therefore considered likely that the 'shredder stockpile' represents a preshredder stockpile with another stockpile/s being required for the shredder. The location of stockpile is important to ensure an adequate impact assessment (land and water contamination, noise, air and fire management) can be undertaken.	Appendix A	A detailed stockpile plan should be provided to show specific locations (and sizing) for all stockpiles proposed on the P&P site.
		The Development Description includes minimal information in relation to construction required for the Proposal. In particular, the following key construction elements have been omitted (or not clearly identified): • Methodology – i.e. how construction would be undertaken • Program and sequencing of key activities • Plant and equipment to be utilised • Remediation works to be undertaken	Section 4 and Appendix V	The Development Description should be updated to include all relevant details on the construction for the Proposal. The Construction Management Plan should be updated to be consistent with this description.

No.	Issue	Comment	EIS Reference	Initial recommendation
		• Earthworks (quantum of cut and fill (both reused and imported))[3] • Hours • Traffic (number and type of vehicles) and access (location for access to site) • Compound locations and inclusions • Interface with on-going operational activities (on-site and surrounding). The above information is imperative to understanding the works required for the Proposal and the basis of the construction environmental impact assessment, especially for key potential impacts such as noise, air and traffic. It is noted that a Construction Management Plan (Appendix V of the EIS) has been prepared, however this includes only generic construction traffic management impacts and mitigation measures.		
6	**Impact assessment**	Impact assessment for construction has not been undertaken for air quality and also traffic and transport, therefore the specific impacts of these construction related activities have not been assessed. Further, as discussed above a clear description of the construction methodology (and other details) has not been provided in the Development Description and therefore, although construction impacts have been considered in some of the other assessment documentation it is considered unlikely that a consistent assessment has been undertaken overall.	Section 4	An impact assessment should be provided for all issues identifying construction impacts, based on the updated Development Description (see above).
		The impact assessment does not provide a combined assessment of the impacts of the Proposal and the altered Pick n Payless operations. In particular the impact assessment should include the following: • Cumulative assessment of the construction of the Proposal and the operation of the Pick n Payless area	N/A	The impact assessment should be updated to include the following: • Cumulative assessment of the

[3] It is noted that a cut and fill plan has been provided within the Engineering Plans (Appendix S of the EIS) however specific earthworks quantities should also be provided.

No.	Issue	Comment	EIS Reference	Initial recommendation
		• Combined and complete assessment of the operation of both the Proposal and the altered Pick n Payless operations. This additional information would ensure that the Proposal and Pick n Payless operations can be undertaken concurrently without resulting in unreasonably adverse impacts upon the environment (including neighbouring properties).		construction of the Proposal and the operation of the Pick n Payless area • Combined and complete assessment of the operation of both the Proposal and the altered Pick n Payless operations
7	**Soil and water**	Section 3.2 of the Flood Impact Assessment (Appendix G of the EIS) provides an assessment of the 'Slab for Shear'. Notwithstanding this it is understood that the slab for shear is not included within SSD 8375. The inclusion of this impact assessment further reduces the clarity of the documentation and the ability to adequately consider the environmental impacts posed by the Proposal.	Appendix G	Not required.
		The Flood Impact Assessment (Appendix G of the EIS) only provides an impact assessment of the 1% AEP in relation to the P&P site. The assessment does not consider other flood impacts outside of the P&P site, i.e. on neighbouring sites. A more detailed impact assessment would adequately identify the potential flood impacts of the Proposal on surrounding properties.	Appendix G	Update the Flood Impact Assessment to consider flood impacts on the P&P site (after the Proposal is operating) and also surrounding properties.
		Section 7.2.4 of the EIS indicates that the Proposal would discharge (as is the existing arrangement) into Breakfast Creek. The Soil and Water Report (Appendix T of the EIS) shows two discharge points which are to be installed. Based on the potential for environmental impacts, requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and approaches to water quality management undertaken by	Section 7.2.4 and Appendix T	Consideration in the design and operations should be given to avoiding discharge into Breakfast Creek. If this is not achievable then water quality controls

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		neighbouring properties, discharge to Breakfast Creek is not considered to be a suitable or sustainable approach. Further, as indicated in Section 11.6.2.7, indicates that in a worst-case scenario water, used for the purposes of fire management, would be discharged from the P&P site. This is not considered best practice as water utilised for fire suppressant has the potential to contain contamination would, if discharged could impact on the water quality and ecology of Breakfast Creek. In addition to this, the design does not indicate that the P&P site would be completely bunded, therefore ensuring that all run-off is diverted to the stormwater management system prior to discharge. Also, the EIS does not include any mitigation measures to establish stormwater discharge controls and/or on-going monitoring of Breakfast Creek.		and a rigorous monitoring program should be undertaken.
		Section 7 of the Soil and Water Report (Appendix T of the EIS) indicates that the Proposal would comply with the Council requirements. Based on the processing capacity for the site (i.e. above 30,000 tpa) an Environmental Protection Licence (EPL) under the POEO Act would be required. As a result, the P&P site would be required to adhere to requirements as specified by the EPA through an EPL in addition to Council's requirements.	Appendix T	The impact assessment should be updated to consider EPA's guidelines for stormwater management.
		Appendix B of the Soil and Water Report (Appendix T of the EIS) identifies that catchments which are to be drain into the proposed stormwater system. Of particular note is that details of the catchment boundaries or how stormwater would be conveyed and treated for the Pick and Payless area (including the car storage area, car parking areas and areas adjacent to the buildings) are not shown. Concern is raised that these additional areas would bypass the stormwater treatment system and discharge directly to Breakfast Creek, without prior treatment.	Appendix T	The catchment plan should be updated to show how surface water would be capture and treated for the Pick and Payless area and the northern parts of the P&P site.
		Section 7.2.4 (and Section 11.2.3) of the EIS identify that the 'oil-stained patches' would be remediated (through soil excavation) as part of SSD 8375. The Compliance Audit (Appendix C of the EIS) indicates that a condition of consent was included within DA 18-01273 stating the remediation of the oil-stained patches was to be undertaken within 12 months of the development consent (i.e. 29 March 2020). The audit report states that	Section 7.2.4, Section 11.2.3 and Appendix C	The oil-stained patches should be remediated either by March 2020 or prior to determination of the

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		compliance with this condition was not 'able to be determined' (Item 338 – Appendix C). It is noted that compliance with this condition has yet to lapse. Of key concern is that SSD 8375 provides mitigation measures which have been previously included as conditions of consent within DA 18-01273 and theoretically (based on the time of assessment) are likely to have lapsed prior to determination of SSD 8375. Based on the environmental impact posed, the remediation of the oil-stained patches should be undertaken within the timeframe (if not sooner) rather than post determination of the SSD (subject to approval).		SSD, whichever comes first.
		Section 7 of the Contamination Investigation (Appendix F of the EIS) concludes the following: Surface water discharging into Breakfast Creek from the two stormwater outlets is impacted by heavy metals and total petroleum hydrocarbons (TPHs). Heavy metals (particularly zinc) are reported at concentrations of up to two orders of magnitude greater than the adopted water quality criteria. Surface water discharging from the site may pose a health risk to the ecological system of Breakfast Creek, as such, abatement measures should be employed during future development of the site to address this issue. Notwithstanding this, the Contamination Investigation does not provide any stormwater quality management measures however notes that this should be addressed as part of the development of the P&P site. As discussed above, the Soil and Water Report (Appendix T of the EIS) does not clearly identify the approach to be undertaken for management of stormwater for the entire P&P site and does not establish controls or monitoring to be undertaken for the protection of Breakfast Creek. Therefore, the management of stormwater and the discharge of contaminated run-off into Breakfast Creek has not been addressed within the impact assessment.	Appendix F and Appendix T	The stormwater impact assessment should be updated to confirm how contaminated surface water would be managed to ensure that the water quality criteria for Breakfast Creek is achieved.
		Appendix B of the Contamination Investigation (Appendix F of the EIS) identifies the metals that have been tested to determine soil and groundwater contamination within the P&P site. The screening has not been undertaken for the following potential metals and chemicals:	Appendix F	The contamination impact assessment should be updated to ensure that all

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		• Aluminium – for cars stored on the site • Barium – from paint and glass (from cars) • Lithium – from car batteries • Strontium – plastics (from cars). The extent to which these metals and chemicals may be present on site and therefore the risk level is unclear and therefore the impact assessment should be updated accordingly.		screening for all metals and chemicals (and appropriate mitigation measures proposed) has been undertaken.

No.	Issue	Comment	EIS Reference	Initial recommendation
8	**Air Quality and odour**	Section 2.1 of the Air Quality Impact Assessment (Appendix E of the EIS) identifies sensitive receivers that have been considered for the purposes of this impact assessment. The Sell and Parker site, or any surrounding industrial receivers, have not been identified as receivers. It is noted that the Sell and Parker site is an industrial operation, notwithstanding this for the health and safety of employees the air quality impacts (including odour) should be considered for this site. In addition to the Sell and Parker site, the following surrounding sensitive industrial receivers (as shown in *Attachment A*) have not been considered in the air quality (or odour) impact assessment: • Hardware & General Supplies Limited Blacktown - 24/32 Forge St, Blacktown NSW 2148 • B&E Foods - 25 Bessemer St, Blacktown NSW 2148 • Wesfresh Chicken Outlet - 25 Bessemer St, Blacktown NSW 2148.	Appendix E	An air quality impact assessment should be provided for potential impacts on the Sell and Parker site and the surrounding industrial area.

No.	Issue	Comment	EIS Reference	Initial recommendation
		Section 5.3 of the Air Quality Impact Assessment (Appendix E of the EIS) provides an analysis of dust impacts from the operation of the Proposal. Notwithstanding this, this section does not include an assessment of potential impacts from the dispersion of fuel and oil emissions from cars stored on-site and processed material.	Appendix E	The air quality impact assessment should be updated to consider the potential impacts of fuel and oil emissions from the Proposal.
		Table 5-1 of the Air Quality Impact Assessment (Appendix E of the EIS) identifies dust emissions from a number of sources including the movement of stockpiles. Notwithstanding this, no mention has been provided for emissions from stationary stockpiles (i.e. those that are not in transit). Stockpiles have the potential to add to dust emissions.	Appendix E	The air quality impact assessment should be updated to consider the potential impacts of dust from stockpiles located on the P&P site.
		Section 5.3 of the Air Quality Impact Assessment (Appendix E of the EIS) states that “under typical operating conditions the hammermill shredder emits 1kg of TSP per hour”. It is unclear how this estimate for TSP has been determined. In particular, the quantum of TSP emissions would be dependent on the condition of the feed stock, i.e. clean scrap metal would have low emissions than that of older rusty scrap. This estimate has the potential to alter the air quality impacts identified for the Proposal.	Appendix E	Further justification should be provided as to how the hammermill TSP emissions have been determined.
		Table 5.1 and 5.2 of the Air Quality Impact Assessment (Appendix E of the EIS) identify different emissions sources and estimates annual dust emission rates for the Proposal. It is unclear as to whether the air quality impact assessment has assessed both of the emissions, i.e. the cumulative total of these tables.	Appendix E	Clarification should be provided as to whether the air quality impact assessment has collectively considered all potential emissions sources/impacts.
		The Air Quality Impact Assessment (Appendix E of the EIS) does not include a greenhouse gas assessment as is required by the SEARs.	N/A	A greenhouse gas assessment for the Proposal should be

No.	Issue	Comment	EIS Reference	Initial recommendation
				required as identified within the SEARs.
9	**Noise and Vibration**	Section 7 of the Environmental Noise and Vibration Assessment (Appendix H of the EIS) identifies that, in addition to the use of existing boundaries, an acoustic barrier is to be constructed around the shear to reduce noise impacts on adjacent industrial premises. In particular, this assessment provides specific heights, locations and distances from equipment. It is understood that the distances identified (between the noise barrier and the equipment) are key to achieving compliance with the relevant noise guidelines. In particular, if the equipment is placed a greater distance from the acoustic barrier than identified then this is likely to increase noise levels and may result in a non-compliance. As a result, it is considered imperative that these distances are achieved to ensure there are no unacceptable noise impacts on the Sell and Parker site and the locality.	Appendix H	A condition of consent should be included requiring equipment to be placed at the specified distance from the acoustic barrier prior to and during operations. Reference in this condition should be made to Appendix A of the Environmental Noise and Vibration Assessment.
		The Environmental Noise and Vibration Assessment (Appendix H of the EIS) has not identified the 'Shree Swaminarayan Temple' located approximately 120m to the south of the P&P site as a sensitive receiver. Consideration of this sensitive receiver should be provided within the impact assessment.	Appendix H	The noise impact assessment should consider potential impacts on surrounding sensitive receivers (particularly the Shree Swaminarayan Temple).
10	**Traffic and Transport**	Section 4.12 of the EIS indicates that the current operation of the P&P site includes 30 employees and that the Proposal would generate up to an additional 30 employees. As a result, there is considered to be a total of up to 60 employees on the P&P site at any one-time during operations (subject to shift requirements). Section 5 of the Traffic and Parking Impact Assessment (Appendix M of the EIS) indicates that the Proposal (in accordance with the Blacktown DCP) would not generate any need for additional car parking. This approach is considered inconsistent with the existing number of	Section 4.12 and Appendix M	Provide further explanation as to why additional car parking is not required for the additional employees (+30) in consideration of the existing car parking on-site (21

No.	Issue	Comment	EIS Reference	Initial recommendation
		spaces for staff parking on-site (21 spaces[4]) and the number of employees (30) required for the Proposal. Further explanation as to why no additional staff car parking is required should be provided.		spaces) and employees (30). Further impact assessment should be undertaken accordingly.
		Section 4.3.1 identifies that that a "separate application will be submitted to Council for the extension of the driveway width". Notwithstanding this, the Traffic and Parking Impact Assessment (Appendix M of the EIS) is based upon this driveway being increased in width and therefore the P&P site to be accessed by the vehicles required for the Proposal. As this eastern driveway has not currently being included within the Proposal the impact assessment provided within the Traffic and Parking Impact Assessment does not adequately assess the impacts of the Proposal. Should the SSD Application not include the extension to the eastern driveway, the site would not be suitable for the proposed traffic which could result in an increase to the proposed number of vehicles (smaller vehicles with less capacity and more trips) and or traffic movement on Tattersall Road and the surrounding area.	Section 4.3.1 and Appendix M (Appendix B)	The eastern driveway should be included within SSD 8375 for clarity. Alternatively, the traffic impact assessment should be updated to confirm the number of vehicles and movements without this widened driveway.
		Section 2.4.2 of the Traffic and Parking Impact Assessment (Appendix M of the EIS) indicates the number of trucks on average received by the P&P site under existing operations, which collectively equates to 100 vehicles per day carrying approximately a total of 2,590 tonnes[5] (per day). On this basis, a conservative calculation (not including operations on Sundays, i.e. 5 days a week), equates to 2,590 tonnes (per day) x 5 days (a	Appendix M	Provide further explanation in relation to the number and average load capacity of vehicles entering the P&P under existing operations and therefore the existing traffic environment.

[4] Advised in Section 3.2 of the Traffic and Parking Impact Assessment (Appendix M of the EIS) as 21 spaces, however shown on the Development Plan (Appendix A of the EIS) as 20 spaces.
[5] Calculated based on the number of trucks by the tonnage capacity identified in this report.

No.	Issue	Comment	EIS Reference	Initial recommendation
		week[6]) x 52 weeks (per year) which implies, that if trucks were fully loaded, then approximately 673,400 tonnes per annum could be travelling into the P&P site. Notwithstanding this, the report indicates that a maximum of 100 tonnes of scrap metal per day on average is processed. Excluding the potential for on-site stockpiling (i.e. not all the scrap metal entering the P&P site via truck being processed on that day) this implies that trucks are considerably underloaded, i.e. based on the identified maximum truck capacity (2,590 tonnes) by the processing capacity per day (100 tonnes) these trucks are only loaded to approximately 3.8% of their capacity. Of further note is that the maximum processing for the P&P site under the current approvals (DA 18-01273) is 30,000 tonnes per annum. The calculation of existing truck numbers seems to be unclear and potentially inconsistent with the existing operations. Concern is raised that there may be an error within these calculations and therefore an accurate depiction of the existing traffic generated by the P&P site and therefore the existing traffic environment has not been provided.		Further impact assessment should be undertaken accordingly.
		Section 4.1 of the Traffic and Parking Impact Assessment indicates that the Proposal would generate 378 vehicles per day and process on average 356 tonnes per day. This calculation of traffic generated is unclear, in that it implies that each vehicle is only carrying approximately 0.94 tonnes (i.e. 356 tonnes by 378 vehicles) which is inconsistent with the vehicle types (and therefore carrying capacity) identified within the traffic impact assessment.	Section 4.1 and Appendix M	Provide further explanation in relation to the number and average load capacity of vehicles entering the P&P under the Proposal operations. Further impact assessment should be undertaken accordingly.

[6] It is understood that the P&P site operates 8:00am – 5:00pm Monday to Friday and 9:00am – 3:00pm on Sunday. As Sunday is a shortened day a conservative approach using a 5 day operation has been undertaken for this calculation. It is noted that if the additional day (Sunday) was included then this annual truck receival and potentially processing could be higher than that shown.

No.	Issue	Comment	EIS Reference	Initial recommendation
		Section 4.1 of the Traffic and Parking Impact Assessment indicates the traffic to be generated from the Proposal based upon the processing of 130,000 tonnes per annum. Notwithstanding this, the impact assessment omits the potential impacts of staff movements (proposed operations and Pick and Payless operations) and visitor movements (Pick and Payless operations) both of which add to the potential traffic impacts of the Proposal.	Appendix M	The impact assessment should be updated to include all light vehicle movements (staff and visitors) for the Proposal and the Pick and Payless operations.
		Section 4.2 of the Traffic and Parking Impact Assessment indicates that all vehicles would travel via Sunnyholt Road and onto Tattersall Road. As a result, Section 4.3 of the Traffic and Parking Impact Assessment provides an analysis of the traffic impacts of the Proposal upon both the Sunnyholt Road / Varys Road and Sunnholt Road / Tattersall Road intersections. Notwithstanding this, there is the potential (as is understood to be the current occurrence) for traffic to travel to the P&P site via the Vardys Road / Tattersall Road intersection. This intersection has not been considered. If traffic is not anticipated to travel via this route explanation should be provided within the assessment and appropriate controls (to prevent this traffic movement) should be implemented (as possible).	Appendix M	The impact assessment should be updated to include an assessment of traffic travelling via the Vardys Road / Tattersall Road intersection. If this intersection is not to be used then appropriate controls should be implemented (as possible).
		Appendix B of the Traffic and Parking Impact Assessment does not provide swept paths for the proposed western driveway/access road which is to be accessed from the existing visitor parking area. Appendix D provides a swept path analysis into and around the visitor car parking area, however not into the proposed western driveway/access road. It is therefore unclear whether the design (and works) proposed can accommodate the vehicle movements identified for this driveway.	Appendix M (Appendix B)	A swept path analysis should be undertaken for the proposed western driveway.
		It is unclear what movement is being shown for the swept path analysis provided in Plan CC1660136TR03. This movement seems considerably complex with the potential to	Appendix M (Appendix B)	Clarification should be provided as to whether

No.	Issue	Comment	EIS Reference	Initial recommendation
		require removal of additional car parking and impact on the safety of visitors within the visitor car parking area.		this movement would require the removal of other car parking spaces and is acceptable in consideration of visitor safety. Further impact assessment should be undertaken accordingly.
		Section 5 of the Construction Environmental Management Plan (Appendix V of the EIS) identifies that construction staff would park off-site. This is considered an unsuitable approach in that car parking on Tattersall Road is not always available, and therefore car parking for construction personnel should be provided on the P&P site.	Appendix V	Parking for the construction workforce should be made available on the P&P site.
11	**Fire**	The P&P site has previously been the site of a considerable fire[7]. This does not seem to have been mentioned or a consideration for the design of the fire controls within the Fire Engineers Report (Appendix P of the EIS). Further, concern is raised that no consultation has been undertaken with Fire and Rescue NSW in the preparation of this design (as required by the SEARs).	Appendix P	Consultation should be undertaken with Fire and Rescue NSW to ensure that the fire protection measures are suitable for the Proposal.
		Section 3.4.4 of the Fire Engineers Report indicates that water storage capacity and location of storage tanks is to be confirmed in the final Fire Engineers Report. This information is considered imperative to fire management across the P&P site and therefore should be provided and assessed within the Fire Engineers Report and detailed on the Development Plan.	Appendix P and Appendix A	Water storage capacity and locations should be shown on the Development Plan and assessed within the Fire Engineers Report.

[7] https://www.facebook.com/7newssydney/posts/2598215080202609?comment_id=2598414716849312&comment_tracking=%7B%22tn%22%3A%22R%22%7D

No.	Issue	Comment	EIS Reference	Initial recommendation
		The Executive Summary of the Fire Engineers Report indicates that this report relates to the 'whole of the site' (i.e. Lot 100, DP 792731) however also indicates that separate fire engineering reports have been prepared for other parts of the P&P site. Therefore, concern is raised that this Fire Engineers Report does not holistically assess the complete operation of the P&P site (i.e. the Proposal and the Pick and Payless operations).	Appendix P	The Fire Engineers Report should be updated to provide a holistic fire solution for the P&P site.
		Section 3.3.3 of the Fire Engineers Report indicates that 'stockpile boundary limits shall be permanently marked to clearly identify limits that maintain maximum stockpile size and minimum separate distances as required by….the FRNSW Guideline'. Figure 5 provides separation distances for stockpiles identified on the Development Plan. It is understood that the separation distances for stockpiles and equipment are key to achieving compliance with the relevant fire safety guidelines. In particular, if the equipment or stockpiles are placed in a different location or the separation distances are altered this would considerable increase the risk of fire on the P&P site. As a result, it is considered imperative that these distances and locations are achieved to ensure there are no unacceptable fire impacts on the Sell and Parker site and the locality.	Appendix P	A condition of consent should be included requiring equipment and stockpiles to maintain fire separation distances as required by the FRNSW Guideline.
		Section 3.3.7 of the Fire Engineers Report provide fire safety measures applicable to car storage on the P&P site. In particular, this section indicates that 'vehicles must not be stored on top of each other'. This is currently the approach for cars stored on-site and with storage areas reduced through the Proposal this practice is likely to continue. Concern is therefore raised as to whether a suitable assessment of fire safety has been undertaken.	Appendix P	The suitability of cars not being stored on top of each other should be considered with fire safety measures updated accordingly.
		Section 8.6.5 of the Fire Engineers Report indicates that required run-off containment capacity is 320,000 L. Notwithstanding this, Section C.1.8 of the report indicates that a maximum volume of 720,000 L is to be utilised to suppress fire on the shredder stockpile. Best practice is generally considered for full retention/containment of any run-off utilised for fire management. This has not been provided for the Proposal. In addition to this, there is a considerable differentiation in the run-off that would be generated in a fire occurrence (i.e. minimum of 720,000L) and the run-off containment capacity (i.e. 320,000L) provided for the	Appendix P	Full containment of run-off used for fire protection should be achieved for the Proposal.

No.	Issue	Comment	EIS Reference	Initial recommendation
		P&P site. Therefore, in the instance of a fire there is considered to be the potential for considerable impacts upon Breakfast Creek from contaminated run-off.		
		Section C.3.10 of the Fire Engineers Report states that the flow consumption calculation is based on a 'worst case scenario' of 17 cars burning simultaneously. Based on the capacity of cars currently stored on site and proposed to be stored on site, which is considerable above 17, this is not considered a suitable worst-case scenario.	Appendix P	The Fire Engineers Report should be updated to consider a suitable worst case scenario for burning cars.
		Section C.4.2 of the Fire Engineers Report identifies that the open yard (i.e the Pick and Payless area) has not been considered as a special hazard, nor has the size and storage of this area been considered for the purposes of the hydrant design. Further the Hydrant Design plans (Appendix L of the EIS) do not show the car stacking (i.e. stockpile areas) and therefore the coverage of these areas by hydrants has not been suitably considered. The Pick and Payless area would remain a considerable component of the P&P site and therefore this area and the specific operations intended should be included within the hydrant design.	Appendix L and Appendix P	The hydrant design should consider the entire P&P site (inc. the Pick and Payless area).
		Figure 23 of the Fire Engineers Report identified an area in which tyres are not permitted to be stored. The Development Plan (Appendix A of the EIS) shows a tyre storage area which clearly overlaps with an area in which tyres are not permitted to be stored. Concern is raised that fire safety may be impacted.	Appendix P and Appendix A	The Development Plan should be updated to indicate that tyres would not be stored in the area shown in Figure 23 of the Fire Engineers Report.
		Appendix L provides a hydrant design for the Proposal. The following concerns have been raised with the approach undertaken for this hydrant design as shown on the plan: • The location of the hydrants does not consider obstructions posed by equipment and structures on the P&P site, for example the hydrant proposed to the north of Breakfast	Appendix L	The Hydrant Design should be updated to consider obstructions from buildings/stockpiles and equipment and

No.	Issue	Comment	EIS Reference	Initial recommendation
		Creek exhibits a reach which is intended to be over Buildings 6 and 7[8]. It is considered unlikely that a fire on the northern side of Buildings 6 and 7 could be reached by this hydrant. • The plan does not show the trajectory for all hydrants, as shown for the hydrant located to the immediate north east of the pre-shredder, the hydrant located to the west of the Pick and Payless area and to the south of the Pick and Payless area. The above comments should be addressed to confirm that fire hazard can be adequately managed on-site.		show all hydrant trajectories.
12	**Biodiversity**	Section 4.4.2 of the EIS indicates that one tree adjacent to the western property boundary would need to be removed. As discussed above, it is considered likely that additional trees would require removal or be damaged as part of the Proposal (refer to *Attachment A*). Also as discussed above (Section 4 of this submission) it is understood that potentially unlawful works have been undertaken for tree removal associated with the construction of the western driveway/road (proposed within this SSD Application). Section 7.1.4 of the EIS indicates that based upon the removal of only one tree, a Biodiversity Development Assessment Report (BDAR) under the *Biodiversity Conservation Act 2016*, is not required. Concern is raised that based upon the potential biodiversity impact that the additional tree removal required may trigger the need for a BDAR to be prepared. Further, as additional trees may not be removed but damaged (i.e. works within the tree driplines) consideration should be given to the preparation of an Arborist Report and the establishment of tree exclusion zones during construction of the Proposal.	Section 4.4.2 and Section 7.1.4.	Should additional trees require removal consideration should be given to whether a BDAR is required, and if not, appropriate justification should be provided. An Arborist Report should be provided prior to the commencement of construction and tree exclusion zones (and other relevant mitigation measures) as conditions of consent.

[8] These buildings are identified as Buildings F and G on the Development Plan (i.e. this plan is inconsistent with the Hydrant Design Plan).

Sell and Parker and Arcadis would like to thank DPIE for their consideration of the above concerns. Sell and Parker (Jordan Rodgers – 02 9316 9933 or jordanr@sellparker.com.au) should be contacted directly to discuss any of the above listed matters.

Yours sincerely

Westley Owers
NSW Environment Team Leader / Principal Environmental Planner
0451 105 610 / westley.owers@arcadis.com

Enc. Attachment A - Figures
Attachment B – Photographs

CC.

CC. Luke Parker (Sell and Parker), Anthea Gilmore (Sell and Parker), Jordan Rodgers (Sell and Parker), Howard Richards (Sell and Parker), Sean Fishwick (Arcadis), Francisco Medina (Arcadis).

ATTACHMENT A – FIGURES

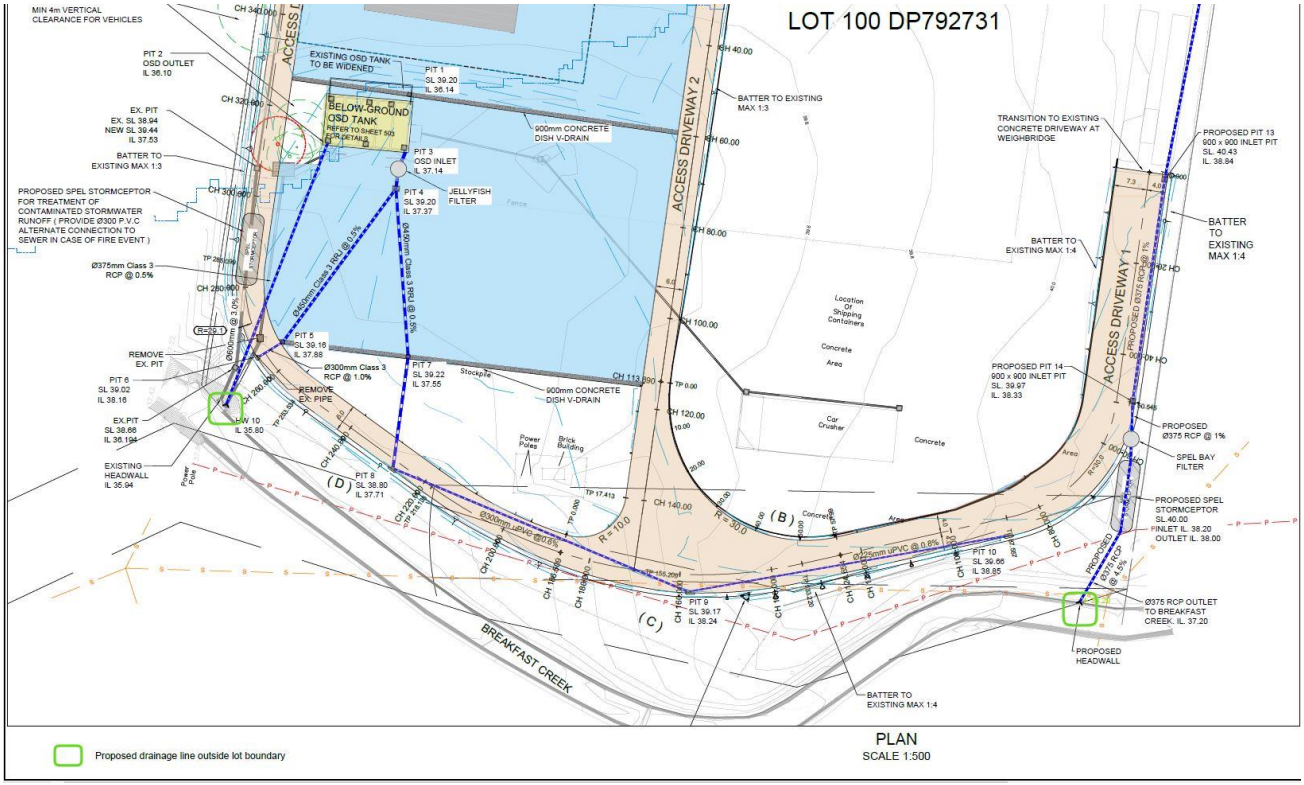

Figure 1 Drainage works to be undertaken outside of the property boundary (i.e. not identified within the Statement of Validity)

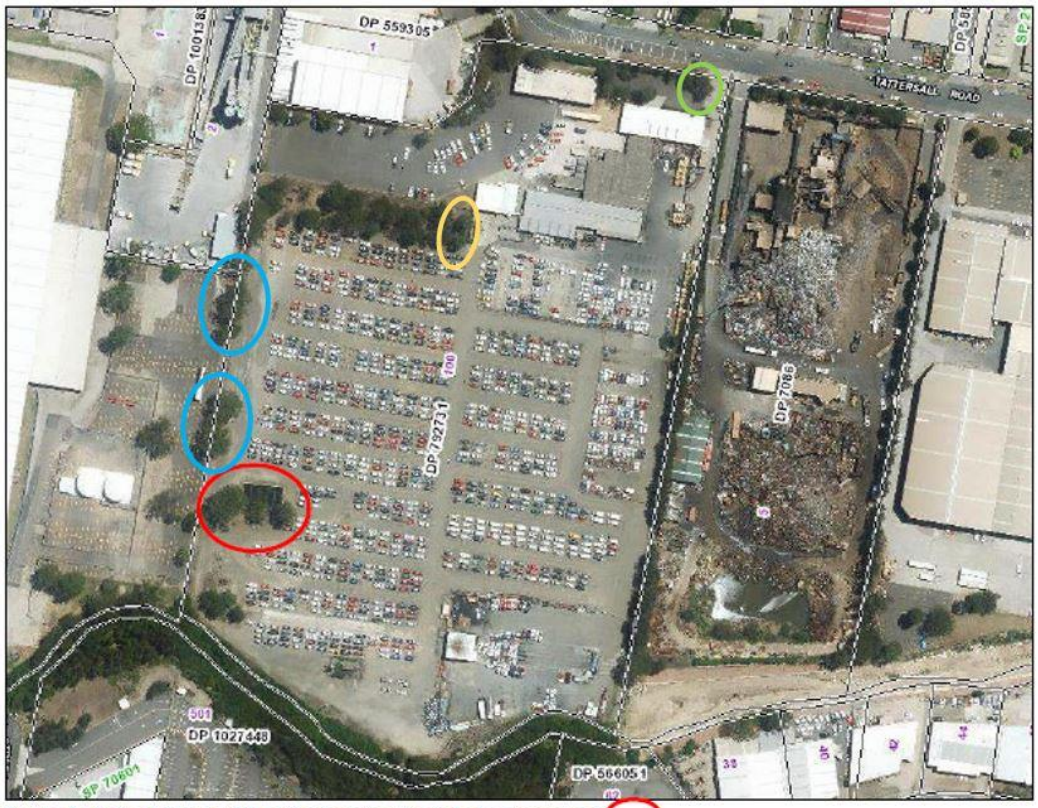

Figure 5: Aerial Photo of the site showing trees to be removed

Trees that may be affected by the Proposal

Trees that may require removal by the Proposal

Trees that have been removed (we believe these trees have been removed unlawfully prior determination of the Proposal)

Figure 2 Potential further impacts to trees (vegetation) not assessed within the EIS (amended from Figure 5 of the EIS)

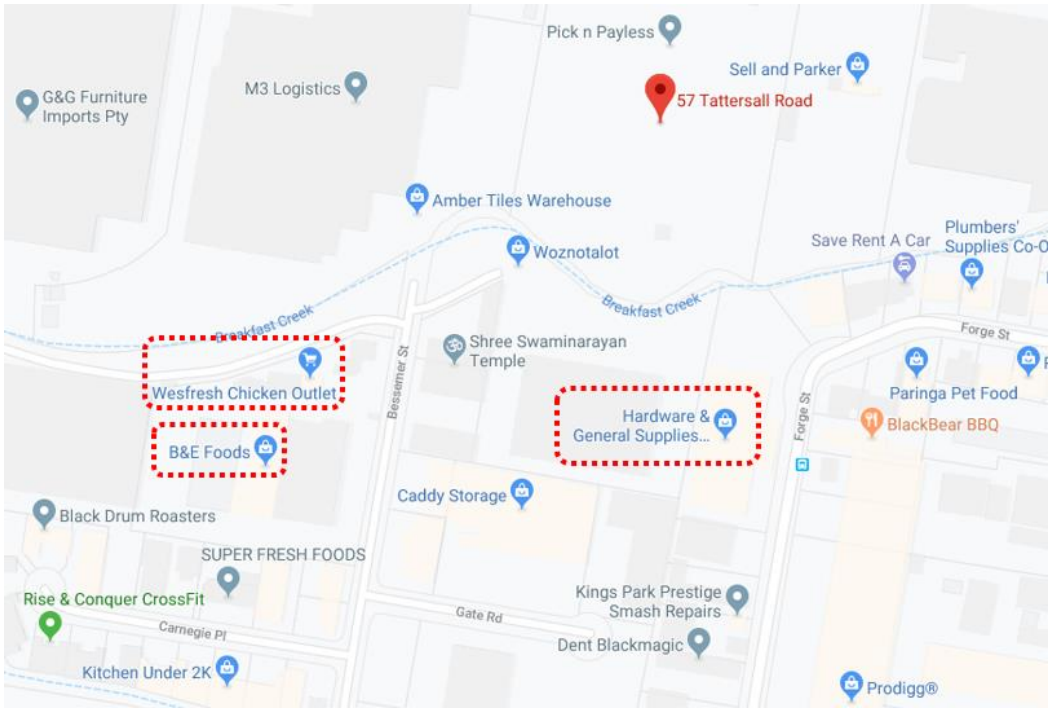

Figure 3 Other sensitive industrial receivers not considered within the air quality impact assessment

ATTACHMENT B – PHOTOGRAPHS (SOURCE: SELL AND PARKER)

Figure 4 On-site detention tanks installed (December 2019)

Figure 5 Trees removed for proposed entrance (southern view) (December 2019)

Figure 6 Trees removed for proposed entrance (northern view) (December 2019)

Figure 7 Excavated soil stockpiling adjacent to Breakfast Creek (south-western corner of the P&P site) (December 2019)