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Dear Mr Zhang

I refer to your request for advice in relation to the review of the Environmental Impact Statement (EIS) for the proposed Rooty Hill Materials Recycling Facility (SSD-29999239) (the Proposal) at Lot 67 in Deposited Plan DP804292, known as 600 Woodstock Avenue, Rooty Hill NSW 2766 (the Premises).

The Environment Protection Authority (EPA) understands Charter Hall Pty Ltd (the Applicant) is proposing the construction and operation of a materials recycling facility with the capacity to process up to 120,000 tonnes of waste per annum on the premises. The EPA understands that Charter Hall are partnering with Cleanaway for this proposal.

The EPA has conducted a review of the information provided for the Proposal, including the EIS prepared by Urbis on behalf of Charter Hall Pty Ltd, dated 24 February 2022 and associated documents. The EPA has determined that the SEARs relating to air quality impacts and contamination have been addressed adequately. The EPA has provided comments and recommended consent conditions as required for these environmental impacts (Attachment A).

The EPA considers that insufficient information has been provided to enable the EPA to complete an assessment of the remaining potential environmental impacts of the Proposal. The EPA's comments and requirements for further information are provided in Attachment B.

If you have any questions about this matter, please contact Elizabeth Watson on (02) 8275 1467 or by email at [elizabeth.watson@epa.nsw.gov.au](mailto:elizabeth.watson@epa.nsw.gov.au).

Yours sincerely



22 April 2022

**ROB HOGAN**  
Manager Regulatory Operations Metro

## **ATTACHMENT A**

The EPA considers that the Applicant has provided sufficient information to enable the EPA to adequately assess the Proposal for the following environmental concerns, and where required, provide recommended conditions of consent.

### **Air Quality impacts**

The EIS states that all waste handling activities, including receipt, sorting, processing, sampling, quarantine, storage, and loading will occur within an enclosed building. This includes any waste or materials that are considered finished product. It is also advised the Premises will be sealed hardstand (aside from unused vegetated surfaces).

Given these measures should assist in mitigating any potential air impacts, the EPA is able to provide recommended conditions of consent in relation to air quality. The EPA recommends the following conditions be included in the consent:

1. Any waste received that is received at the facility that is determined to be unsuitable for processing due to the presence of putrescible material must be removed from the facility within 48 hours of receipt.
2. Offensive odour must not be caused or permitted to emit from the Premises.
3. Activities occurring in or on the Premises must be carried out in manner that prevents or minimises the generation of dust.
4. The Premises must be maintained in a condition which prevents the emission of dust from the Premises.
5. No visible dust may leave the Premises.
6. Trucks entering and leaving the Premises must be covered at all times, except during loading and unloading.
7. No material, including sediment or oil, is to be tracked from the Premises.
8. Fast acting roller doors must be installed at the facility. The fast acting roller doors must be closed at all times aside from when vehicles are entering and exiting the facility.
9. An Air Quality Management Plan (AQMP) must be prepared and implemented prior to the commencement of operations at the Premises. The AQMP must be submitted to the EPA for review when finalised. The AQMP must include, but it not limited to, the following:
  - a) Proactive and reactive management strategies for managing air pollution from the Premises
  - b) Key performance indicator(s) for all significant air pollution emission sources
  - c) Monitoring methods(s) to ensure key performance indicators are achieved
  - d) Location, frequency and duration of monitoring
  - e) Record keeping
  - f) Response mechanisms and contingency measures
  - g) Responsibilities for operational personal in relation to air pollution management
  - h) Compliance reporting

### **Contamination**

The EPA considers that the EIS has met the requirements for contamination assessment as outlined in the SEARs.

The EPA recommends the inclusion of consent conditions as follows:

1. Prior to commencement of demolition and construction works, the Applicant must provide the Planning Secretary, for information, a copy of a construction environmental management plan (CEMP) that includes measures to address any contamination found during construction works. The contamination component of the CEMP must:
  - be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
  - include detailed measures to:
    - identify contamination during works.
    - include a clear and detailed unexpected finds protocol (UFP) for use and implementation throughout the duration of construction works. The procedure must include details of who will be responsible for implementing the unexpected finds protocol and the roles and responsibilities of all parties involved.

The CEMP must be implemented throughout the duration of the construction work.

2. After demolition of existing structures and prior to construction of the materials recycling facility, detailed site investigation/s must be conducted to determine the full nature and extent of the contamination at the project area. The detailed site investigation/s must:
    - be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
    - be prepared in accordance with Consultants Reporting on Contaminated Land: Contaminated Land Guidelines (EPA, 2020) and relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997.
    - state if the site is suitable for the proposed use or if the land requires remediation to be made suitable for the proposed use.
    - be submitted to the Planning Secretary for information
  3. Should remediation be required to make land suitable for the final intended land use, a Remedial Action Plan (RAP) will be required to be submitted to the Planning Secretary for information. The RAP must:
    - be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
    - be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*; and
    - include measures to remediate the contamination at the site to ensure the site will be suitable for the proposed use when the Remedial Action Plan is implemented.
  4. If remediation is required to make land suitable for the final intended land use, then prior to commencing with the remediation:
    - a. the Applicant must engage a NSW EPA accredited Site Auditor throughout the duration of works, to ensure that any work required in relation to contamination is appropriately managed. If work is to be completed in stages, the site auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.

- b. the Applicant must submit to the Planning Secretary for information, the Remedial Action Plan/s and an interim audit advice from a NSW EPA accredited Site Auditor that certifies that the Remedial Action Plan is appropriate and that the site can be made suitable for the proposed use. The Remedial Action Plan must be implemented and any changes to the Remedial Action Plan must be approved in writing by the NSW EPA accredited Site Auditor.
5. If remediation is required to make land suitable for the final intended land use, then a 'Section A1 Site Audit Statement' or a 'Section A2 Site Audit Statement' (accompanied by an Environmental Management Plan) and the accompanying Site Audit Report prepared by a NSW EPA accredited Site Auditor must be submitted to the Planning Secretary before commencing use of the facility. The Site Audit Statement must be submitted to the Planning Secretary no later than one (1) month before the commencement of operation. The SSD must not be used for the purpose approved under the terms of this consent until a Section A1 or a Section A2 Site Audit Statement is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.

## **ATTACHMENT B**

The EPA requires the Applicant to provide additional information to enable the EPA to adequately assess the potential environmental impacts from the following environmental concerns:

### **Environment Protection Licence**

1. The EPA notes that the construction of the proposed facility will require an Environment Protection Licence (EPL) under section 47 of the Protection of the Environment Operations Act 1997 (POEO Act) for scheduled development work and the operation of the proposed facility will require an environment protection licence under section 48 of the POEO Act for premises based scheduled activities. The EIS does not however specify the scheduled and ancillary activities to be licensed under the POEO Act.

The EPA requires the following to be addressed:

- a) The Applicant must identify the activities listed in Schedule 1 of the POEO Act that will be carried out at the Premises for which an EPL is required.
- b) The Applicant must identify the activities listed in Schedule 1 of the POEO Act that will be carried out at the Premises, for which an EPL is not required due to the scale of the activity.

### **Site Plan**

1. The EPA has reviewed the EIS and the Architecture Plans prepared by Nettleton Tribe dated December 2021 provided at Appendix B, the Waste Processing Stream Overview prepared by Resource Recovery Design Pty Ltd dated 9 February 2022 provided at Appendix BB, the Waste Management Plan (WMP) prepared by SLR, dated February 2022 provided at Appendix L of the EIS. Insufficient information has been provided with the EIS in relation to site design and it is unclear from the EIS where each waste type will be stored and the infrastructure associated with waste storage, including the design for any waste storage bays and location of skip bins.
2. The EPA notes that the EIS describes incoming feedstock to be contained in six separate bunkers however the Waste Management Plan (WMP) prepared by SLR, dated February 2022 provided at Appendix L provides descriptions and diagrams indicating five receiving bunkers.

The EPA requires the following to be addressed:

- a) The Applicant must provide a site plan identifying, at a minimum, the following areas:
  - i. Haulage
  - ii. Waste receipt, processing, storage and loading (for each waste type)
  - iii. Quarantine
  - iv. Infrastructure for environmental controls including dust, noise, water and wheel wash
  - v. Weighbridge/s
  - vi. Site boundaries
  - vii. Stormwater drainage areas
  - viii. Chemical and fuel storage areas
  - ix. Processing equipment and infrastructure
  - x. Machinery storage areas.
- b) The Applicant must clarify the receiving bay configuration and ensure that all documentation accurately reflects the proposed arrangement.

### **Identification and classification of waste streams**

1. Insufficient information has been provided regarding the incoming and outgoing waste streams at the Premises. The Applicant must clearly define all waste types in accordance with the Act

and ensure they are classified according to the EPA's Waste Classification Guidelines 2014 (as amended from time to time). The EPA notes that Tables 18 and 19 of the Waste Management Plan list a product type as "waste"; this must be clarified as per (a) below. The EPA also notes that Table 21 of the Waste Management Plan identifies "dry" waste and "wet" waste as waste streams. The EPA does not recognise these classifications and requires the Applicant to include these waste streams in the assessment required in (a) below. For each waste type, the EIS must describe the physical and chemical content and types of pollution which may result from the handling, storage and processing of that waste.

2. For each waste type, the EIS must describe the physical and chemical content and types of pollution which may result from the handling, storage and processing of that waste. Detailed information regarding the source and quantity of each of the waste types to be received at the Premises is also lacking in the EIS. The Waste Management Plan states that material to be processed at the facility will be collected from kerbside recycling bins with yellow lids in Blacktown Council area. It also states that Cleanaway has the contract to collect and recycle materials collected under the NSW Container Deposit Scheme. No further information is provided as to the source of this material, specific waste classifications, source/s or quantities. Similarly, the Waste Management Plan states that the Premises will be designed to be able to accommodate additional cardboard and recyclables materials from Cleanaway's commercial customers. Again, no further information is provided as to the source of this material, specific waste classifications, source/s or quantities of this material.

The EPA requires the following to be addressed:

- a) The Applicant must identify and classify each waste type with the following information:
  - i. Definition as per Schedule 1 of the POEO Act
  - ii. Specific waste stream
  - iii. Classification of the waste as per the Waste Classification Guidelines
  - iv. Sources of each waste type
  - v. Volumes of each waste type
  - vi. Physical and chemical content of each waste type
  - vii. Types of pollution which may result from the handling, storage and processing of that waste

### **Handling, management and disposal of waste**

1. The EIS provides general information on the proposed waste storage arrangements but does not contain enough detail for the EPA to adequately assess the potential environmental impacts relating to waste and materials storage. The Applicant is required to provide details of how waste will be stored, including the maximum daily storage capacity of the site, how waste will be handled on site, and how waste will be transported to and from the site. For example, the EIS states that wet (putrescible) waste will be contained in sealed 30 m<sup>3</sup> compactor bin for delivery to landfill but does not provide information as to the expected quantities, timeframes for storage or how and where waste will be transported to landfill.
2. Insufficient information has also been provided in the EIS regarding contaminated and non-conforming waste, including hazardous materials, received at the premises. The EPA requires that the identification, management, storage and disposal arrangements for these materials are clarified. The EIS does not provide information to indicate that a dedicated quarantine area for the separation and storage of hazardous waste is proposed for this waste, nor that there is a process in place to ensure that all non-conforming waste is removed from the Premises as soon as practicable.
3. Insufficient information has been provided regarding the intended fate of the recovered waste, particularly the intended fate of the waste which has been recovered for reuse. The EIS must clearly set out the intended fate for each of the recovered wastes.

4. The Waste Management Plan states some recovered waste will be transported to the ResourceCo PEF plant (ResourceCo). ResourceCo operates under Environment Protection Licence No.20937. The EPA notes outgoing waste must only be transported to a place which is lawfully able to receive that waste. ResourceCo is not lawfully permitted to receive the waste types which will be produced at the proposed facility.
5. The EPA notes putrescible waste is mentioned in the Waste Management Plan. The Applicant should be aware the EPA will not permit the facility to receive putrescible waste as it would not be appropriate for this type of waste facility. The Applicant must provide detailed information regarding how any incidental putrescible waste will be managed. The EPA expects any incidental putrescible waste to be removed from the Premises as soon as practicable but within 48 hours at the latest as is provided within the recommended air quality conditions in Attachment A.

The EPA requires the following to be addressed:

- a) The Applicant must provide details on the transportation, assessment and handling of each waste type arriving and generated at the site
- b) The Applicant must provide details of any stockpiling of each waste type and each of the materials proposed to be recovered at the site including, but not limited to, sizes (dimensions and heights) and locations (capacity of storage area, dimensions of bays etc)
- c) The Applicant must provide details of the maximum volume of waste to be stored for each individual waste type as well as at any one time overall
- d) The Applicant must provide details of the maximum annual throughput of waste overall for each individual waste type
- e) The Applicant must provide a description of waste processing procedures for each waste type
- f) The Applicant must provide details on the proposed reuse, recycling, reprocessing or treatment of each waste type
- g) The Applicant must provide details of the intended fate of each waste type, including but not limited to, the specific licensed facility that each waste stream will be disposed of.
- h) The Applicant must provide details of all materials produced under a Resource Recovery Order, and the controls in place for meeting the conditions of that order
- i) The Applicant must clearly describe the process for management of contaminated and non-conforming waste, including, at a minimum, the following information:
  - i. detailed information regarding the waste types and likely quantities of hazardous materials that may be received at the Premises
  - ii. Methods for detection and removal of contaminated and non-conforming waste
  - iii. Locations and configurations of storage for contaminated and non-conforming waste, including demonstration that any proposed hazardous materials storage areas are in compliance with the Australian Standard AS 1940 – the storage and handling of flammable and combustible liquids.
  - iv. Methods for and locations of disposal of contaminated and non-conforming waste

## **Weighing of vehicles and record keeping requirements**

1. The Protection of the Environment Operations (Waste) Regulation 2014 (the Regulation) and Waste Levy Guidelines require that an occupier of a scheduled waste facility to measure the quantity of waste that is transported into or out of the facility. Information including, but not limited to, the sources, types, volumes of waste must be identified and recorded, as outlined in Division 1 of the Regulation. The Waste Management Plan states that approved vehicles will be free to leave the site without crossing the weighbridge again. The EPA reiterates that all vehicles entering and leaving the site must be weighed, regardless of the load status of the vehicle.

The EPA requires the following to be addressed:

- a) The Applicant must review and clearly document the process for weighing vehicles to ensure compliance with the Regulation and Waste Levy Guidelines.

## **Noise and Vibration Impacts**

2. The Applicant has not provided an assessment of construction noise impacts, including construction traffic noise, from the proposal as required by the SEARs. Table 1 of the Acoustic Report (AR) prepared by Acoustic Works, dated 10 February 2022 and provided in Appendix M.1 states that 'construction work noise is assessed in a separate report and is typically assessed at a later stage in the development when construction methods are finalised.' The EIS for the proposal does not contain any further assessment of construction noise impacts, and it is unclear where this information has been provided. Construction noise impacts are routinely provided as part of the environmental assessment process and enable the consent authority to gauge the potential for impacts on the surrounding community, and what measures will be implemented to address any such impacts.

The EPA requires the following to be addressed:

- b) The Applicant must prepare a quantitative assessment of construction noise impacts (including construction traffic) to surrounding sensitive receivers is required prior to determination, using anticipated construction methods, plant and equipment. This must be carried out in accordance with the requirements of the Interim Construction Noise Guideline, and all feasible and reasonable noise mitigation and management measures should be investigated, reported and implemented to address any construction noise impacts from the proposal.
3. Section 5.3 of the AR states the background noise monitoring was carried out between 5 and 13 October 2021, however data is only presented for a seven-day period between 6 and 12 October 2021 in Table 3. Furthermore, Table 2 shows that significant rainfall was recorded on Monday 11 October, and Table 3 shows that extraneous noise was present on Thursday 7 October. It is likely that the total duration of valid background noise data falls short of the minimum one week of valid data specified in Table A1 of the Noise Policy for Industry (NPfI). Furthermore, the meteorological data in Table 2 shows only spot wind readings at 9am and 3pm, and no information to confirm the validity of readings at other times of each day is available.

The EPA requires the following to be addressed:

- a) The Applicant must provide wind speed and rainfall data, ideally overlaid as traces on the daily noise logger charts, to confirm the validity or otherwise of each 15 minute data point in the background noise monitoring data. Any 15 minute periods affected by excessive rain or wind should be removed from the data set as per Fact Sheet A and Fact Sheet B of the



NPfI. A minimum of 7 days' valid background noise monitoring data must be provided in the assessment.

4. Noise amenity level calculations are not in accordance with recommended amenity noise levels or require explanation.

The EPA requires the following to be addressed:

- a) The Applicant must review the LAeq(15minute) amenity noise levels for surrounding industrial receivers in Table 8 to ensure that these levels are in compliance with the recommended amenity noise level minus 5 dB(A) plus 3 dB(A) in accordance with Sections 2.2 and 2.4 of the NPfI.
  - b) The Applicant must amend the 'project-specific criteria' in Table 10 so that the minimum applicable levels are 40 dB(A) during the daytime period, and 35 dB(A) during the evening and night-time periods.
  - c) The Applicant must clarify how the cumulative amenity criteria in Table 12 have been derived.
  - d) The Applicant must clarify the time period applicable to the source noise levels in Table 15. Section 8.1 states that a +3dB correction was applied to all results to convert them to LAeq(15minute) values. This suggests that the source noise levels in Table 15 have been set as LAeq(period) levels. The use of a 'per metre' sound power level for reversing alarms must also be explained in the text, as it suggests a reversing path being used by Rigid/B-double vehicles in the modelling.
5. The AR states in Section 11.1.2 that mechanical plant has not been finalised at the time of preparation of the AR.

The EPA requires the following to be addressed:

- a) The Applicant must include the details of the preliminary assessment carried out to indicate that plant at similar developments would comply with the criteria nominated in the AR.
- b) The Applicant must ensure that any mechanical plant is designed such that the overall premises noise emissions comply with the criteria set out in the AR.

## **Water Quality Impacts**

1. The EPA considers that the Proponent has not addressed the potential for the pollution of waters within the information provided for the Proposal. The EIS must identify all sources of potential contamination that may impact water quality on site, and consider mitigation measures to minimise the environmental risk from these contaminants. These may include, but not be limited to, spillages from any chemicals and liquid waste stored on site, waste and contamination tracked on to external surfaces through vehicle movement, loose waste items transported on site due to wind and rain and spillages from chemical or fuel deliveries.
2. In addition, the EIS must contain information detailing any chemicals that are stored and used at the Premises, for example for the purposes of cleaning or maintaining equipment. The EPA expects that any chemical or hazardous liquids being stored on the Premises are clearly identified in the EIS and measures put in place to minimise any potential environmental impacts. Measures may include, but are not limited to, the installation of bunding or use of self-bunded tanks, strip drains and spill capture pits and procedures for delivery of chemicals and hazardous liquids that mitigate the risk to water quality from human error and mechanical failure.
3. The EIS states that in the event of a fire, the stormwater pit, pipe network and on-site detention (OSD) tank will be used as a storage for fire water. The EIS also describes that the last pit prior to discharge to Council's network and the OSD tank will be fitted with a penstock valve that will automatically close when a fire event occurs. The EPA supports the proactive design of a fire

water containment system; however the stop valve must also be able to be utilised manually in the event of a spill or other such pollution incident that may affect water quality on the Premises.

4. The EIS states that the development will incorporate stormwater quality system items including a Gross Pollutant Trap, rainwater tank and filtration cartridges. It is unclear from the description in the EIS how the components of the stormwater system are incorporated into the stormwater management system, in particular to manage water quality. In addition, the Applicant must consider the installation of a first flush system to remove contaminated stormwater from the site.
5. The EIS states that the applicant intends to enter into a VPA with Blacktown City Council to offset water quality requirements off-site, however the EIS does not contain information regarding the water quality impacts that the VPA is designed to offset.
6. The Applicant must advise how all leachate will be contained within the facility and how leachate will be managed including how leachate generated from the receipt of waste will be contained and managed. The EPA expects at minimum for internal surfaces to be graded inwards to ensure all leachate is captured and measures to be in place to ensure appropriate management of the generated leachate.

The EPA requires the following to be addressed:

- a) The Applicant must identify and estimate the quality and quantity of all pollutants that may impact water quality at the Premises by source and discharge point.
- b) The Applicant must consider mitigation measures to minimise the impact of contaminants on water quality at the Premises, including, but not limited to, the installation of wheel wash structures as required to minimise tracking of contaminants.
- c) The Applicant must detail any chemicals that are stored at the Premises and identify mitigation measures that will be put in place to minimise the risk to water quality in the event of a pollution incident.
- d) The Applicant must install an emergency stop valve within the stormwater system that can be utilised in the event of a pollution event on site.
- e) The Applicant must consider the installation of a first flush system for the removal of contaminated stormwater, and if not required, provide justification to support this conclusion.
- f) The Applicant must provide a description of the water quality impacts that are being offset by the VPA.

## **Wheelwash**

Best practice waste facilities utilise a wheelwash to reduce the risk of contaminants being tracked out onto public roads and into local stormwater drains and networks. The EPA notes the Proposal does not include the installation of a wheelwash.

The EPA requires the Proposal include consideration of the installation of a wheelwash at the exit point of the Premises to ensure contaminants are not tracked onto public roads, and provide evidence-based justification where installation is not proposed.