

**11 November 2016**

Director Industry Assessments  
Department of Planning and Environment  
Level 22  
320 Pitt Street  
Sydney NSW 2000

Dear Mr Ritchie,

**SUBJECT: OBJECTIONS TO PROPOSED DEVELOPMENT APPLICATION - BELLS HIRE PTY LTD (SSD 7349)**

Outlined below are our objections and concerns relating to the proposed development application as submitted by Bells Hire Pty Ltd (Enviro Recycling), located at 37-51 & 53-57 Violet Street Revesby, for expansion of existing recovery resource facility and processing of wastes.

1. We are a neighbouring business in close proximity to the aforementioned recycling operation.
2. Our business requires a clean environment in order to carry out our day to day activities in an appropriate and efficient manner. Some of these activities include: warehousing of new equipment, servicing and repairs of client equipment, parts distribution and major equipment overhauls. Furthermore, we have a duty of care to ensure that all employees are able to work in a safe environment without exposure to excess dust, noise, vibration and hazardous materials. It is our concern that the activities being carried out by Enviro Recycling are detrimental to our ability to carry out the aforementioned daily tasks. In addition, the activities are also risking the safety of our employees.
3. A brief history of the background to our concerns with Enviro Recycling's use of the property is described below:
  - a. Our concerns with Enviro Recycling's use of the property commenced on or about December 2015.
  - b. We initially became concerned due to excess noise and vibration due to the operations been carried out on Enviro Recycling's premises.
  - c. Enviro Recycling currently holds an Environment Protection Authority ("EPA") licence for 37-51 Violet Street, Revesby.
  - d. There is no licence that can be found in the EPA online register that covers 53-57 Violet Street, Revesby.
  - e. Enviro Recycling is currently operating recycling and stockpiling of materials on 53-57 Violet Street Revesby which is not approved under an EPA licence.
  - f. Furthermore, there is evidence to suggest that Enviro Recycling is not complying with various provisions under their current licence, including, but not limited to: operating outside of permissible operational hours, exceeding noise and vibration standards, exceeding acceptable limits of dust production and processing hazardous materials.

- g. We began lodging our concerns with the EPA and Bankstown City Council around March 2016 via email and telephone.
  - h. Enviro Recycling was issued with a Clean-up Notice on 30 May 2016 due to the finding of asbestos in various samples of materials at their premises.
  - i. There is an ongoing investigation been carried out by the EPA, however, we have not been made aware as to any specific action to be taken.
- 4. Please see Appendix A for a log of complaints lodged with the EPA. This list is clear evidence of the inconvenience and disruption to our business but most importantly highlights the real threat to our employees' health and safety.
- 5. On a daily basis, we are subjected to excessive dust, noise and vibration due to the operations being carried out on Enviro Recycling's premises. Despite various efforts to resolve and manage the matter, no sufficient measures have been implemented in order to control the issue. We have now reached the point where Enviro Recycling's operation is so detrimental to our business, that we are unable to run our business in an efficient and safe manner.
- 6. Our first and foremost concern is the wellbeing and safety of our employees and others within close proximity to Enviro Recycling's premises. On 30 May 2016, Enviro Recycling was issued a clean-up notice in relation to the finding of asbestos in various samples on their premises (please see Appendix B). Out of 28 samples taken from various stockpiles of material at the premises, 18 samples were found to contain asbestos. This is extremely concerning that not only is there a high percentage of material containing asbestos but also that there is a possibility that the regulating authorities will continue to allow such operations. It is common knowledge that only a small amount of asbestos can cause extensive damage to human health even resulting in death by Mesothelioma.
- 7. Furthermore, the EPA issued a prevention notice to Enviro Recycling on 4 November 2016 (please see Appendix C). The notice highlights the extensive history of Enviro Recycling's non-compliance with EPA licence requirements. The notice of preventive action outlines the following:
  - a. Over 43 complaints have been received in relation to Enviro Recycling's dust emissions, noise and vibration;
  - b. The history of engagement between the EPA and Enviro Recycling including the EPA issuing an official caution to Enviro Recycling for processing materials outside of the building that is not in compliance with the licence;
  - c. EPA also issued a penalty notice to Enviro Recycling for non-compliance with condition O3.3 of the licence: Failure to ensure that sediment was tracked from the premises.
- 8. We are concerned about the excessive noise being produced as a result of Enviro Recycling's operations. There is clear evidence that noise levels are exceeding 70dB on a daily basis. This is unacceptable and is a direct breach of their current EPA licence restrictions. This excessive noise makes it difficult to communicate with staff and customers especially via telephone.
- 9. In addition, there are also unacceptably high levels of vibration as a result of Enviro Recycling's operations. On a daily basis, our staff can physically feel the vibrations and it can be seen through our doors shaking as well as office equipment moving on desks. These vibrations have already caused structural damage to our building as evidenced with new cracks in a concrete slab within the entrance to the building.



10. Available parking is currently at a minimum on Violet Street, Revesby. There are often trucks parked across our driveway or blocking the street which are all waiting to enter Enviro Recycling's premises. This makes it very difficult for both my staff and customers to find parking during the hours of 7am-6pm. Furthermore, not only is this causing an inconvenience but it is also endangering pedestrians and vehicles using Violet Street as often cars will have to cross onto the other side of the road to go around the trucks. It is reasonable to conclude that if Enviro Recycling were granted permission to increase production to 250000tonnes/annum, then there would be a significant increase in traffic in the street.
11. We are concerned with the failure of Enviro Recycling to currently control the excessive ground dirt and pollution which is being transported from their premises onto public roads. They have already been issued with a penalty notice in relation to this; however, the transfer of dirt upon exiting the premises is still occurring. We have been assured at a various times that Enviro Recycling will be implementing measures, such as a wheel washer, to minimise transfer of dirt. There is clear evidence to show that effective measures are not being taken to prevent vehicles transferring contamination on to the street on departure from Enviro Recycling. This shows Enviro Recycling's lack of effort and ability to implement suggested measures.
12. The amount of dust been produced and transferred as a result of the operations being carried out on Enviro Recycling's premises is excessive. Dust contamination is entering the waterways as well as becoming airborne pollution. The amount of dust entering our property is causing serious interruption and costs to our business as we require a clean area without dust and contamination. We have to regularly clean new stock due to the excessive dust entering our factory which has the potential to also damage our equipment.
13. The current conditions of consent allow for Environ Recycling to stockpile a maximum of 30,000 tonnes of material at any point. Given Enviro Recycling's inability to maintain and comply within the current granted conditions, it would be unreasonable to believe that they would comply with the new conditions if the current Development Application was to be granted. This would allow for an increase of more than 8 times the material being stockpiled (from 30000 to 250000 tonnes/annum).
14. We dispute the validity and accuracy of the Environmental Impact Statement which was produced by Cardno Pty Ltd on behalf of Enviro Recycling. Our main concerns centre on the use of irrelevant and outdated data as well as bias conclusions. For example, noise monitoring was conducted between the 17 and 24 November 2015. As previously stated, we only became concerned with excessive noise on or around December 2015. Therefore, this data is irrelevant as Enviro Recycling was not undertaking operations comparable to current operations at the time the data was recorded. Regardless of this, the data still shows that noise levels exceeded (p 16) acceptable noise emission levels at all time periods. However, the report concludes that the noise produced is within acceptable noise limits. Another example of the inaccuracy of this EIS is in relation to the estimation of vibration levels. The receiver used for this testing is located 140 metres from the southern boundary of the proposed development. The graph clearly shows that within 10 metres of the boundary, vibration levels of construction activities/equipment exceed 1mm/s (acceptable levels range from 0 mm/second to 0.4mm/second). Also, the machinery that is currently creating the vibration affecting our business was installed and made operational after the report was prepared. Most significantly, the EIS fails to acknowledge or present any relevant dust emission data which provides an accurate assessment of the day to day conditions afflicting our business and our staff.
15. Given all of the aforementioned concerns and the intention of Enviro Recycling to expand operations, we have a genuine fear that the value of our property will significantly decrease as a result. Various local businesses and residents are aware of the issues and detrimental impact that Enviro Recycling's operations are having on surrounding property and the environment at large.

Furthermore, there has recently been an article published in the Daily Telegraph which alerts the public to the possibility of a large scale recycling operation existing in a built up area.

16. It is extraordinary that consideration is being given to allowing this organisation to process and stockpile this significant increase in recycled material in immediate proximity to established businesses, residential areas and schools. The very nature of this type of operation should govern their location as the consistent compliance with dust, noise and vibration allowable limits is essentially impossible to achieve in the proposed location.
17. Please find attached below numerous photos showcasing the excessive dust being produced and transferred onto the roads, onto our equipment and also becoming airborne pollution (Please see Appendix D).

We trust the foregoing provides clarity on our concerns and represents a common sense response for justifying the objection to this grossly unsuitable development.

Yours sincerely

Director



## Appendix A

I03641-2016	9-Mar-16	Dust Sediment tracking Stormwater Contamination (asbestos)
I04804-2016	1-Apr-16	Dust Uncovered loads Sediment Tracking
C04778-2016	01-Apr-16	
I06677-2016	9-May-16	Dust Litter Operating on adjacent site Noise
I07448-2016	24-May-16	Dust Operating on adjacent site Noise Hours of Op Sediment tracking
I09968-2016	21-Jul-16	Air / Dust Vibration Operating on adjacent Lot Asbestos
C10032-2016	22-Jul-16	
I10034-2016	22-Jul-16	Air / Dust Vibration Operating on adjacent Lot Asbestos
I09999-2016	22-Jul-16	Vibration
I10798-2016	9-Aug-16	Vibration Dust Operating on adjacent Lot stormwater
C11333-2016	19-Aug-16	
I11335-2016	19-Aug-16	Dust Vibration
I11442-2016	20-Aug-16	Dust Vibration Noise
C11440-2016	22-Aug-16	
C12174-2016	08-Sep-16	
I12177-2016	8-Sep-16	Dust stormwater Sediment tracking
I14126-2016	20-Oct-16	Dust Noise Vibrations Operating outside Premises Hours of Op Stormwater pollution
C11440-2016	08-Sep-16	
C14967-2016	08-Nov-16	
Email to Phil Nevill	11-Nov-16	

# Appendix B

Section 91 Protection of the Environment Operations Act 1997

## Clean-Up Notice

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Licence - 20607



Enviro Recycling Pty Ltd  
Trading as Enviro Recycling  
ABN 77 169 091 230 ACN 169 091 230  
PO Box 362  
CONDELL PARK NSW 2200

Attention: Mr Bruce Fordham

Notice Number 1540623  
File Number EF15/7655  
Date 30-May-2016

### NOTICE OF CLEAN-UP ACTION

#### BACKGROUND

- A. The Environment Protection Authority ("EPA") is reasonable for the administration of the *Protection of the Environment Operations Act 1997* ("the POEO Act") and the *Protection of the Environment Act (Waste Regulation) 2014* ("Waste Regulation").
- B. Enviro Recycling Pty Ltd ("Enviro Recycling") operates a waste storage and resource recovery facility at 37-51 Violet Street, Revesby NSW 2212 being Lot 168 DP7866, Lot 169 DP7866, Lot 2 DP519053 ("the Premises") under environment protection licence no. 20607 ("the Licence"). Enviro Recycling as the Licence holder is the deemed occupier of the Premises.
- C. On 12 April 2016, the EPA conducted an inspection of the Premises and observed aggregate stockpiles of suspected asbestos containing material in the Processing Shed as labelled in Attachment 1. During the inspection, EPA Officers were informed that the internal dust suppression sprinkler system within the Processing Shed had failed and that the system should be fixed the following day. EPA Officers noted that waste sorting activities were still occurring in this area and dust created as particles could be seen to be hanging in the air.
- D. Authorised Officers of the EPA ("EPA Officers") obtained two samples of suspected asbestos containing material from a stockpile containing brick, tiles, terracotta piping and concrete in aggregate form. This material appeared to have been put through a crusher and screening process. **These samples were confirmed to contain asbestos** (including chrysotile, amosite, anthrophyllite) using a calibrated asbestos identification instrument. These samples are labelled PN3 and PN4 in Attachment 1.
- E. EPA Officers also observed aggregate material being loaded into a Ghossayn truck which created airborne dust. This material was being loaded from the product bay in the north-west corner of the Premises in the Product Storage Bays as labelled in Attachment 1.



## Clean-Up Notice

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- F. On 10 May 2016, EPA Officers conducted an inspection of the Premises and observed a number of stockpiles of various material types suspected of containing asbestos containing material. The dust suppression system within the Processing Shed was operational at the time of the inspection when EPA Officers first arrived. No dust suppression measures were seen to be operating in any area outside of the Processing Shed at the Premises.
- G. EPA Officers obtained 28 samples suspected to contain asbestos from various stockpiles of material at the Premises. These were sent to the EPA Laboratories for forensic analysis. The results confirmed the presence of asbestos in eighteen (18) samples. The location of the confirmed asbestos samples are labelled in red in Attachment 1. Sample location labelled SP21 was confirmed to contain synthetic mineral fibre and no asbestos.
- H. Samples taken from stockpiles labelled SP2, SP3, SP4, SP5 SP9, SP11, SP19, SP20, SP21 and PB appeared to have been put through a crushing, screening or sorting process.
- I. It is noted that the material within stockpiles labelled SP2, SP3, SP4 and SP5 was processed aggregate of varying sizes from <10-20mm aggregate. The EPA understands that these bays are used for the storage of product to be sent off site for re-use in accordance with a resource recovery order and exemption. The material stockpiled in the bays and stockpile/s from which samples SP2, SP3, SP4, SP5, SP9, SP11 were obtained, could not comply with any resource recovery order or exemption as this material is known to contain asbestos.
- J. The EPA reasonably suspects Enviro Recycling has caused or permitted asbestos waste to be re-used or recycled in contravention of Clause 81 of the Waste Regulation.
- K. The POEO Act defines a ***pollution incident*** as "*an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise*".
- L. The POEO Act defines land pollution as:
- "land pollution or pollution of land*** means placing in or on, or otherwise introducing into or onto, the land (whether through an act or omission) any matter, whether solid, liquid or gaseous:
- (a) that causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or*
- (b) that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter..."*
- M. Clause 109 of the *Protection of the Environment General Regulation 2009* also notes that the definition of ***land pollution*** also includes placing more than 10 tonnes of asbestos waste on land.
- N. The EPA reasonably suspects that a land pollution incident has occurred in that significantly more than 10 tonnes of asbestos waste has been stockpiled at the Premises.
- O. The EPA reasonably suspects that a land pollution incident has occurred in that asbestos waste has allegedly been transported to and disposed of on a premises not permitted to receive asbestos waste. The extent of this pollution incident is currently unknown to the EPA.



## Clean-Up Notice

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- P. The EPA reasonably suspects that an air pollution incident has occurred at the Premises, in that Enviro Recycling has processed and stored waste outside the Processing Shed without proper dust controls in place, causing the emission of dust, being air pollution.
- Q. The EPA reasonably suspects Enviro Recycling has caused and is causing the pollution incidents referred to above in that it received, stored and recycled asbestos waste for re-use at the Premises in the manner set out above.
- R. The EPA also reasonably suspects Enviro Recycling is the occupier of the Premises at which the pollution incidents referred to above have occurred and are occurring.
- S. The EPA is the appropriate regulatory authority for the activities at the Premises.
- T. On 20 May 2016, Enviro Recycling was provided with a draft copy of this notice for clean-up action for comment. On 23 and 26 May 2016, Minter Ellison Lawyers acting on behalf of Enviro Recycling Pty Ltd, submitted comments to the EPA.
- U. The comments referred to above have been taken into account by the EPA in finalising this notice.

### DIRECTION TO TAKE CLEAN-UP ACTION

1. The Environment Protection Authority (EPA) directs Enviro Recycling Pty Ltd to take the following clean-up action:
  - i. **Immediately** cease all sorting, moving, processing or disposing of any waste at the in the areas outlined in orange in Attachment 1 except moving any waste that falls on the boundaries of the areas that must be fenced as per direction ii. This action must continue until such time as Enviro Recycling receives written advice from the EPA.
  - ii. **Immediately** restrict access to the areas highlighted in orange in Attachment 1 with fencing and appropriate asbestos signage. This action must be installed in a manner that allows the completion of action 1.iv. This action must also continue until such time as Enviro Recycling receives further written advice from the EPA.
  - iii. By no later than **4pm, Wednesday 1 June 2016** provide the Senior Manager Waste Compliance, EPA, PO Box A290 Sydney South NSW 1232 with photographic evidence of the measures taken to restrict access with fencing and appropriate signage.
  - iv. **Immediately** apply water to the areas outlined in orange in Attachment 1 and continue to keep any stockpile/s damp to prevent the emission of dust.
  - v. **Immediately** notify and seek consent from the relevant persons and arrange for the pick-up, transport and lawful disposal of all material transported from the stockpiles labelled SP2, SP3, SP4, SP5 SP9, SP11, SP19, SP20 and SP21 in red in Attachment 1 since 10 May 2016, if the material has been transported to a place other than an appropriately licensed landfill.
  - vi. By no later than **4pm, Monday 6 June 2016** provide the Senior Manager Waste Compliance, EPA, PO Box A290 Sydney South, NSW 1232 with a Clean-Up Action Report to ascertain the extent of the alleged pollution incident referred to in paragraph "O" above and of the actual or likely resulting pollution from the land application of the material transported from stockpiles SP2, SP3, SP4, SP5, SP9, SP11, SP19, SP20 and SP21 in red in Attachment 1 since 10 May 2016. This report must include the following:



## Clean-Up Notice

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- a. the address and contact details for the appropriate persons at the disposal location (other than a licensed landfill);
- b. the date(s) of any pick-up of such material for transport to the disposal location;
- c. the tonnage of material pick-up and transported from Enviro Recycling to the disposal location (other than a licensed landfill);
- d. the name of the person/s or company, including the vehicle registration responsible for the transport of such material, including the drivers name, ABN and contact phone number;
- e. the sampling results and certificates of compliance in accordance with the relevant resource recovery order for the material transported from Enviro Recycling.
- f. a record of the notification required by direction v. including the date, time and name and phone number of the person who received the notification.
- g. the disposal receipts for the material lawfully disposed in accordance with section v. above.

### FEE TO BE PAID

- You are required by law to pay a fee of \$506 for the administrative costs of issuing this notice. An invoice for the fee has been attached to this notice.
- It is an offence not to pay this fee. However you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

A handwritten signature in black ink, appearing to read 'Ruth Owler'.

**Ruth Owler**

**Unit Head**

**Waste & Resources - Waste Management**

(by Delegation)

### INFORMATION ABOUT THIS CLEAN-UP NOTICE

- This notice is issued under section 91 of the Protection of the Environment Operations Act 1997.
- It is an offence against the Act not to comply with a clean-up notice unless you have a reasonable excuse.

### Penalty for not complying with this notice

- The maximum penalty for a corporation is \$1,000,000 and a further \$120,000 for each day the offence continues. The maximum penalty for an individual is \$250,000 and a further \$60,000 for each day the offence continues.

# Clean-Up Notice

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## Cost recovery from the person who caused the incident

- If you comply with this clean-up notice but you are not the person who caused the pollution incident to which the notice relates, you have a right to go to court to recover your costs of complying with the notice from the person who caused the incident.

## Deadline for paying the fee

- The fee must be paid by **no later than 30 days after the date of this notice**, unless the EPA extends the time to pay the fee, or waives the fee.

## How to pay the fee

- Possible methods of payment are listed on the last page of the attached invoice/statement.
- Please include the payment slip from the attached invoice/statement with your payment.

## How to apply for an extension of time to pay/waive the fee

- Any application for an extension of time to pay the fee or for the fee to be waived should be made in writing to the EPA. The application should set out clearly why you think your application should be granted.

## Other costs

- The Protection of the Environment Operations Act allows the EPA to recover from you reasonable costs and expenses it incurs in monitoring action taken under this notice, ensuring the notice is complied with and associated matters. (If you are going to be required to pay these costs and expenses you will later be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses").

## Continuing obligation

- Under section 319A of the Act, your obligation to comply with the requirements of this notice continues until the notice is complied with, even if the due date for compliance has passed.

## Variation of this notice

- This notice may only be varied by subsequent notices issued by the EPA.



# Clean-Up Notice



## Attachment 1 - Site Layout and Sampling Locations



Key: **SP** – represents asbestos detection **PB** – represents picker bin in which asbestos was detected.

# Appendix C

Section 96 Protection of the Environment Operations Act 1997

## Prevention Notice

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Enviro Recycling Pty Ltd  
Trading as Enviro Recycling  
ABN 77 169 091 230 ACN 169 091 230  
PO Box 362  
CONDELL PARK NSW 2200

Attention: Bruce Fordham

Notice Number      1546062  
File Number        EF15/7655  
Date                 04-Nov-2016

### NOTICE OF PREVENTIVE ACTION

#### BACKGROUND

- A. The NSW Environment Protection Authority ("EPA") is responsible for the administration and enforcement of the *Protection of the Environment Operations Act 1997* ("the Act") and its Regulations.
- B. Enviro Recycling Pty Ltd ("Enviro Recycling") operates a waste storage and resource recovery facility at 37-51 Violet Street, Revesby NSW 2212 being Lot 168 DP7866, Lot 169 DP7866 and Lot 2 DP519053 ("the Premises") under the environment protection Licence no. 20607 ("the Licence"). Enviro Recycling as the Licence holder is deemed the occupier of the Premises.
- C. Since 13 August 2015 when Enviro Recycling commence operations at the Premises, the EPA has received 43 complaints via its Environment Line in relation to dust emissions, sediment tracking, water pollution, noise and vibration. Enviro Recycling have been notified of the ongoing complaints and reminded to comply with the conditions of the Licence.
- D. The EPA has inspected the Premises on 2 February 2016 and 12 April 2016 and discussed the ongoing dust, sediment tracking and water pollution concerns with Enviro Recycling during those inspections.
- E. On 4 February 2016, the EPA wrote to Enviro Recycling reminding the Licensee of the requirements to comply with Condition O3 of the Licence relating to dust and sediment tracking and to ensure that environmental due diligence is followed for all operations at the Premises.
- F. On 28 July 2016, the EPA issued an official caution to Enviro Recycling for processing material outside of the building that is located on the Premises in non compliance with the Licence.
- G. On 12 October 2016, the EPA issued a Penalty Notice no. 3085780482 to Enviro Recycling for non compliance with Condition O3.3 of the Licence for failure to ensure that sediment was tracked from the Premises.



## Prevention Notice

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- H. On 24 October 2016, the EPA made observations from outside of the Premises that sediment was being tracked onto the public road and scheduled activities were occurring outside of the Licence boundary.
- I. The EPA considers that Enviro Recycling do not have sufficient environmental plans or practices at the Premises to ensure that activities and operations are carried out in an environmentally satisfactory manner.
- J. In accordance with Section 95 of the Act, the EPA reasonably suspects that waste related activities at the Premises have been undertaken by Enviro Recycling and are being carried on in an environmentally unsatisfactory manner.
- K. Section 95 of the Act provides that an activity is being carried out in an environmentally unsatisfactory manner if it is not carried on in accordance with good environmental practice.
- L. Section 96 of the Act authorises the EPA to direct the occupier of a premises at which the EPA reasonably suspects that an activity is being carried out in an environmentally unsatisfactory manner, to take action to ensure that the activity is carried on in an environmentally satisfactory manner.
- M. On the basis of the facts set out above, the EPA has decided to issue a Prevention Notice to Enviro Recycling to require it to carry out works at the Premises to ensure that the Premises is managed in an environmentally satisfactory manner.

### DIRECTION TO TAKE PREVENTIVE ACTION

- 1. The EPA directs Enviro Recycling Pty Ltd to take the following preventative action:
  - a. Immediately cease (and continue to cease) the processing of any waste material outside the enclosed building at the Premises.
  - b. Immediately cease (and continue to cease) the use of the adjacent premises known as Lot 1 DP 734866, 57 Violet Street, Revesby NSW, for any waste related activities including the receipt, processing, storage, stockpiling, sorting, separating and unloading of waste.
  - c. Immediately commence the visual monitoring of the condition of Violet Street and internal roadways and entry/exit points to the Premises. A Visual Observation log must be kept on record at the Premises and provided to the EPA when requested. The monitoring is to include clear daily photographs and a description of the following:
    - i. The condition of Violet Street, Revesby in both directions north and south of the entry/exit to the Premises.
    - ii. The condition of the entry/exit point to the Premises.
    - iii. The condition of internal roadways at the Premises.
  - d. Erect signage at the Premises to display information relating to Condition M3 of the Licence, telephone complaints line. The signage is to be clearly visible from Violet Street to display the following:
    - i. Details of Enviro Recycling complaints line telephone number.
    - ii. Clear notification on the signage that details that the number is a complaints line for the community to make a complaint.
  - e. Immediately engage or cause a suitably qualified environmental consultant to prepare a written Dust Management Plan for the Premises. The Dust Management Plan must be implemented by no later 4pm 30 November 2016, and must include:



## Prevention Notice

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- i. Details of all dust generating sources at the Premises
  - ii. Details of operating control equipment used to minimise the generation of dust at the Premises and prevent the emission of air pollution (in the form of dust) from the Premises.
  - iii. Details of dust monitoring locations and provide a program and schedule for ongoing monitoring of dust emissions from the Premises.
  - iv. A minimum of six (6) dust monitoring locations with at least one dust monitoring point on each separate boundary of the Premises.
  - v. Details of dust monitoring to be in accordance with Australian Standard AS/NZ 3580.10.1:2003 - Determination of Particulate Matter - Deposited matter - Gravimetric method.
  - vi. Consultation and liaison with potentially affected businesses due to any potential dust emissions from the Premises.
- f. Immediately engage or cause a suitably qualified environmental consultant to prepare a written Noise and Vibration Management Plan for the Premises. The Noise and Vibration Management Plan must be implemented by no later **4pm 30 November 2016**, and must include:
- i. Details of all noise and vibration generating sources at the Premises.
  - ii. Details of all control and mitigation measures for any noise and vibration generated at the Premises.
  - iii. Details of noise and vibration monitoring locations at the Premises.
  - iv. Details of the program and schedule for ongoing management of noise and vibration at the Premises.
  - v. Details of the measures implemented at the Premises to ensure that noise does not exceed 70dBA from the nearest boundary.
  - vi. Consultation and liaison with potentially affected businesses due to any potential noise and vibration levels expected at the Premises.
- g. Immediately engage or cause a suitably qualified environmental consultant to prepare a written Stormwater and Sediment Management Plan for the Premises. The Stormwater and Sediment Management Plan must be implemented by no later **4pm 30 November 2016**, and must include:
- i. Details of all sediment generating sources at the Premises.
  - ii. Details of all stormwater runoff areas and the locations of sediment controls and stormwater discharge points from the Premises.
  - iii. Details of the operation of sediment controls installed at the Premises and provide a program and schedule for the ongoing maintenance and cleaning of those controls including the wheel wash infrastructure.
  - iv. Details for the ongoing monitoring of stormwater runoff and any stormwater discharged from the Premises.
- h. By no later than **4pm 30 November 2016** a copy of the plans required by conditions e, f and g must be submitted to the Director Waste Compliance, EPA, PO Box A290 Sydney South NSW 1232 or via email to [waste.operations@epa.nsw.gov.au](mailto:waste.operations@epa.nsw.gov.au)
- i. By no later than **4pm 16 December 2016**, install and operate wheel wash infrastructure at the Premises. The wheel wash infrastructure must:



## Prevention Notice

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- i. Be located in a position that allows a minimum of 30 metres internal hard stand roadway before the exit to the Premises and prior to the exit weighbridge.
- ii. Be maintained in a fully operational manner at all times during the hours of operation at the Premises.
- iii. Be used by all vehicles exiting the Premises, except, in circumstances where the vehicle exiting the premises is:
  - a motor car (being a motor vehicle constructed primarily for the carriage of persons or that is of the kind known as a utility, station wagon or panel van) or motor car trailer; and
  - not transporting waste to or from the Premises

### FEE TO BE PAID

1. You are required by law to pay a fee of \$520 for the administrative costs of issuing this notice.
2. It is an offence not to pay this fee. However you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

A handwritten signature in blue ink, appearing to read 'G. Sheehy', written over a horizontal dotted line.

Greg Sheehy

**Acting Director**

**Waste & Resource Recovery**

(by Delegation)

# Prevention Notice

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## INFORMATION ABOUT THIS PREVENTION NOTICE

- This notice is issued under section 96 of the Protection of the Environment Operations Act 1997.
- It is an offence against the Act not to comply with this notice.
- Details provided in this notice will be available on the Public Register in accordance with section 308 of the Protection of the Environment Operations Act 1997.

## Penalty for not complying with this notice

- The maximum penalty for a corporation is \$1,000,000 and a further \$120,000 for each day the offence continues. The maximum penalty for an individual is \$250,000 and a further \$60,000 for each day the offence continues.

## Appeals against this notice

- You can appeal to the Land and Environment Court against this notice. The deadline for lodging your appeal is 21 days after you were served with the notice.

## When this notice begins to operate

- This notice operates from the day the notice is given, unless a later date is specified in the notice.

If an appeal is made against the notice, and the Land and Environment Court directs that the notice is stayed, the notice does not operate until the stay ceases to have effect, or the Land and Environment confirms the notice, or the appeal is withdrawn (whichever occurs first).

## Deadline for paying fee

- The fee must be paid by **no later than 30 days after the date of this notice unless you appeal** to a court against the notice, or unless the EPA extends the time for payment of the fee or waives the fee. If you do appeal this notice the fee does not have to be paid unless and until the court confirms the notice.

## How to pay fee

- Possible methods of payment are listed on the last page of the attached invoice/statement.
- Please include the payment slip from the attached invoice/statement with your payment.

## How to apply for extension of time to pay/waiver of fee

- Any application for an extension of time to pay the fee, or waive the fee should be made in writing to and sent to . The application should set out clearly why you think the application should be granted.



# Prevention Notice

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## Other costs

- The Protection of the Environment Operations Act allows the EPA to recover from you reasonable costs and expenses it incurs in monitoring action taken under this notice, ensuring the notice is complied with and associated matters. (If you are going to be required to pay these costs and expenses you will be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses".)

## Continuing obligation

Under section 319A of the Act, your obligations to comply with the requirements of this notice continues until the notice is complied with, even if the due date for compliance is passed.

## Variation of this notice

- This notice may only be varied by subsequent written notices issued by the EPA.

## Prevention Notice

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PHOTOS:

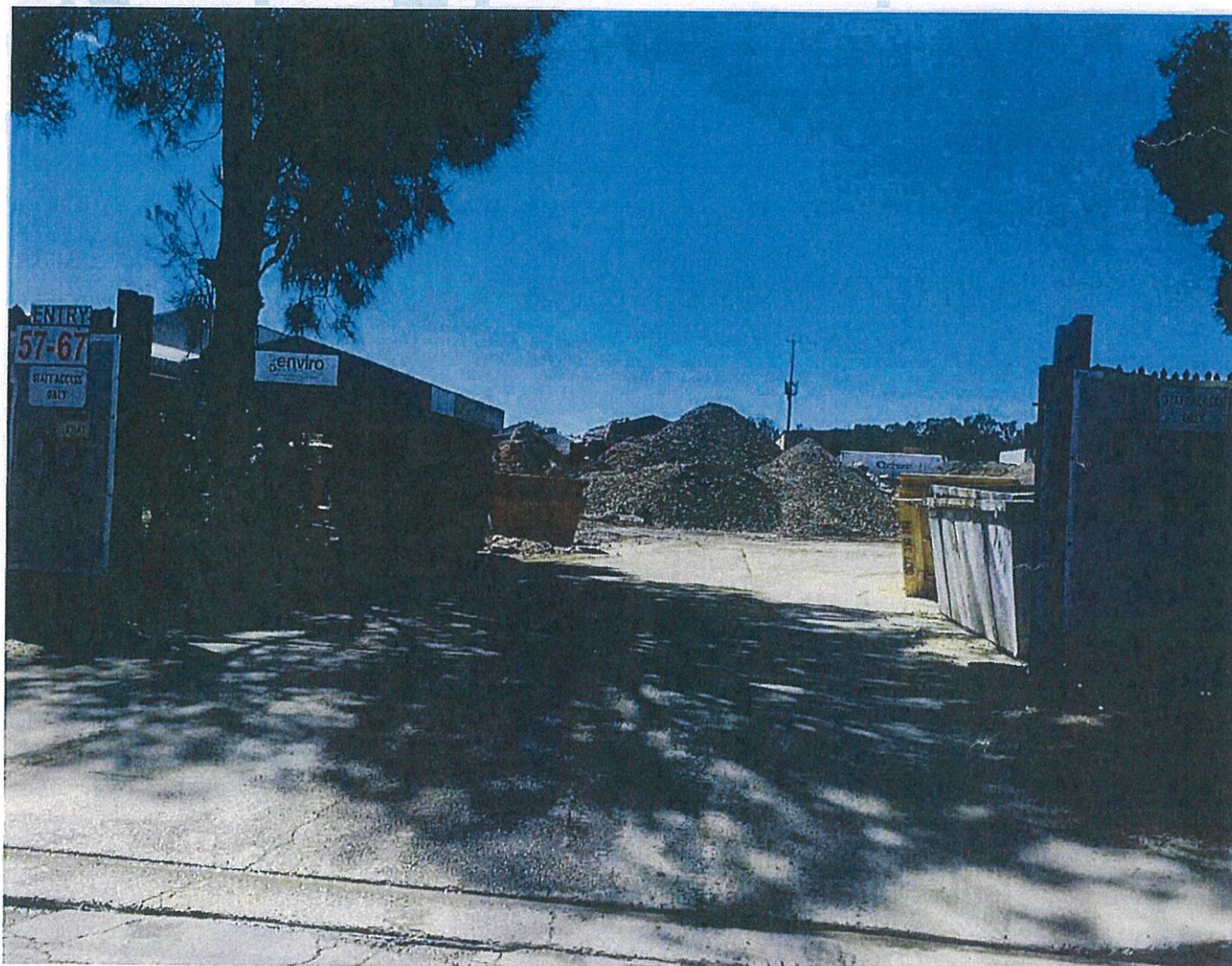


Photo 1: Showing stockpiled waste material and processing plant located at 57 Violet Street Revesby NSW.



## Prevention Notice

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Photo 1a: Showing zoomed in view of Photo 1 to verify the processing of stockpiled waste material at 57 Violet St Revesby NSW.

## Appendix D

Photo of gutter outside of 51-57 Violet Street Revesby





Photo showing transfer of mud onto car by Enviro Recycling's street sweeper



Photo of dust settled on road from Enviro Recycling premises





Photo displaying dirt, mud, rocks and other wastes outside of Enviro Recycling premises

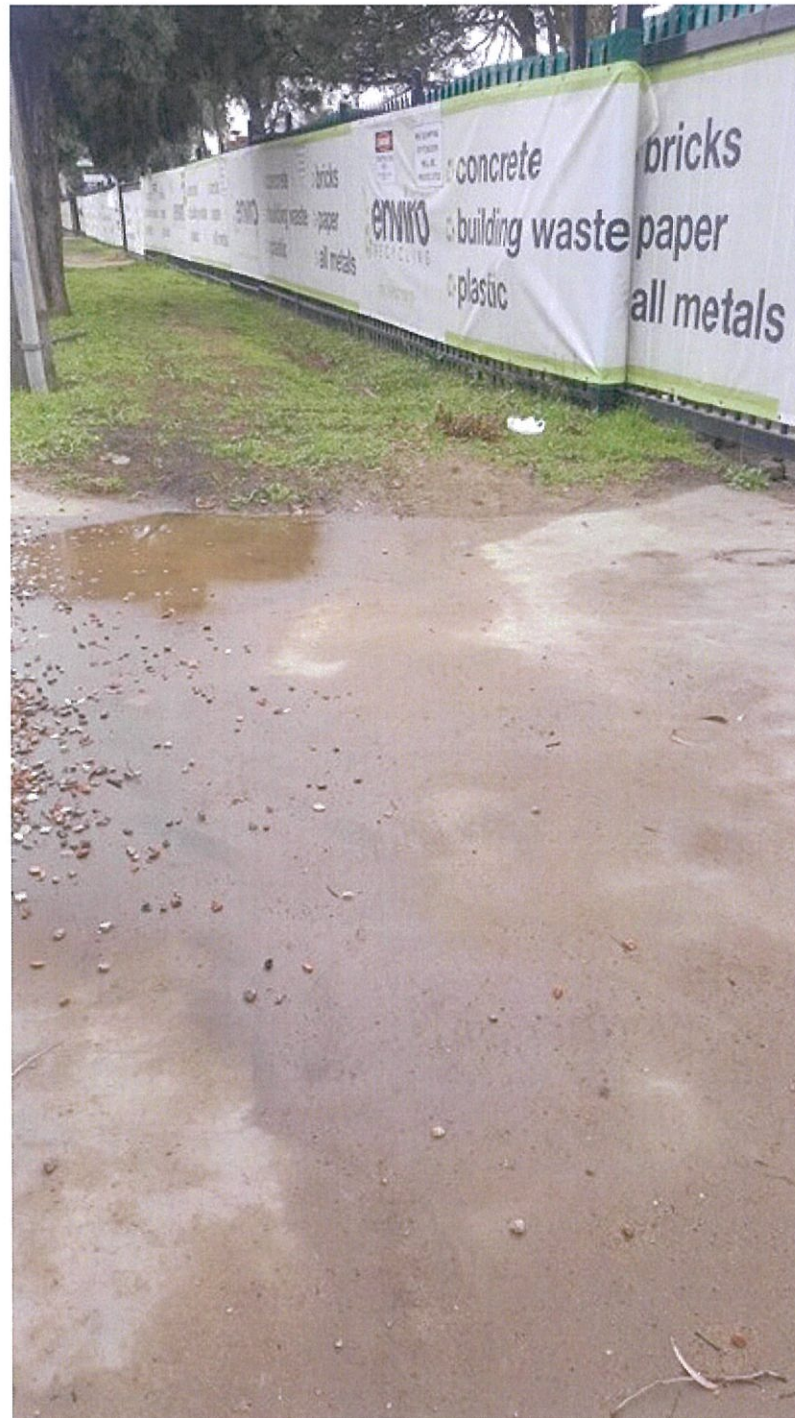


Photo of dust accumulated on employee's car over an 8 hour period





Photo of dust accumulation on employee's car



Photo showing dust and waste transferred onto Violet Street by vehicles exiting Enviro Recycling premises





Photo of dust cloud on Enviro Recycling's premises

