



Our reference: ECM: 7670264
Contact: Kelly Edmonds
Telephone: 4732 8138

14 June 2017

Ms Nikki Matthews
Department of Planning & Environment

Email: nikki.matthews@planning.nsw.gov.au

Dear Ms Matthews,

Notice of Exhibition of Toxfree Chemical Waste Storage and Treatment Facility at 40 Christie Street, St Marys (MP06_0095 MOD 4)

I refer to your email dated 24 May 2017 regarding the above proposal for modification to an approved State Significant Development at No. 40 Christie Street, St Marys. The plans and supporting information has been reviewed and the following comments are made for consideration with the assessment:

Engineering consideration

The following engineering matters are requested to be addressed:

- It is not clear what the “extra extension” on the plans is intended to be used for. The areas noted as 52m², a 40m² and a 215m² should be clarified. It is also not clear whether the existing carpark will be removed or if it is to remain. If it will remain, the stacked car parking should be employee parking only;
- Full dimensions of all proposed parking areas should be provided to ensure the spaces comply with the Australian Standards;
- The proposed 5m wide driveway for general customer parking in front of the office is not suitable. A 5.5m wide driveway is required to be provided for two-way movements; and
- Swept path diagrams have not been provided demonstrating that the design vehicle can traverse the site in accordance with AS2890.1 ‘Parking facilities Part 1: Off-street car parking’.

A stormwater drainage plan is to be provided to address the proposed impervious areas with finished surface levels along the western property boundary. If stormwater generated from those areas won't be able to discharge to the existing drainage system, then stormwater drainage pipes shall be provided. The required stormwater drainage plan shall also consider WSUD and OSD requirements.

Water Sensitive Urban Design (WSUD) is required for the proposed carpark and impervious areas along the western property boundary (total areas > 250m²). The applicant should also address Council's WSUD Policy and Technical Guidelines.



According to Council's Stormwater Drainage Specification for Building Development, a stormwater On-Site Detention (OSD) is required to be provided, if there is no existing OSD. This needs to be confirmed and addressed.

General Matters

The modification relates to "the acceptance and processing of minor amounts of E-waste at Toxfree's existing Chemical Waste Storage and Treatment Facility". More specifically, the modification seeks approval to "install a 'Blubox' processing unit within its existing building to recycle up to 7,200 tonnes per annum (tpa) of E-waste (approximately 600 tonnes per month)".

The modification also includes "the installation of a weighbridge to meet NSW EPA's requirement for waste tracking" along with some "minor changes to existing access and car parking arrangements".

The site currently operates under EPL 12628 issued by NSW EPA. The Environmental Assessment report submitted in support of the application states that the "technology fulfils all requirements of established international and Australian Recycling Standards including E-Stewards and AS: 5377 Collection, Storage, Transport and Treatment of End-of-Life Electrical and Electronic Equipment, 2013". It is requested that the EPA confirm if compliance has been suitably demonstrated and that the technology proposed and associated processes comprise best practice both in regards to health and safety and environmental considerations.

Noise

The application includes a Noise Assessment Report that includes noise modelling and assessment. It is noted that an anomaly exists between the Environmental Assessment and the Noise Assessment reports in relation to proposed hours. The Noise Assessment states that the hours of operation are proposed to be 5am to 11pm whilst the Environmental Assessment refers to the hours 5am-10pm. Confirmation of the hours is required. It is assumed that the Noise Assessment contains an error in referring to 11pm as the assessment also states that "there will be no operations during the night period" and 11pm is within the night period).

The assessment includes noise modelling based upon noise level predictions from various sources, meteorological and terrain data. It is noted that the PHA refers to "recent and proposed changes" including a "Hazpak machine for the processing of paint containers near the South Western corner of the site", however, this process and equipment is not included as a noise source in the assessment. It is requested that in considering the noise assessment for the proposed development that the Department and EPA ensure that the noise assessment addresses all noise sources, including the "Hazpak machine for the processing of paint containers" and any other noise sources associated with that process.

Air Quality Management

The Environmental Assessment states that "the main source of significant air quality impacts are the potential for mercury vapour emissions that would arise from the processing of the E-waste". Whilst the Environmental Assessment report includes as section 5.2 an "air quality impact assessment", Council has



not been able to locate an Air Quality Impact Assessment report prepared in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales. This should be clarified and addressed.

The Environmental Assessment report also states that the Blubox “is a fully enclosed system that operates under a negative pressure at all times, the system also contains a carbon filter system that captures any mercury vapour released during the processing of the E-waste and treats the exhaust air”. “The air treatment system incorporates mercury monitoring which notifies employees. The NSW EPA is requested to comment on whether the proposed technology provides for best practice in health and safety as well as the environmental management of resultant air emissions (including odour).

The current Environmental Protection Licence (EPL) includes the requirement for ongoing air quality monitoring with concentration limits specified by the EPL. Assessment by the NSW EPA and the issue of an EPL for the proposal should ensure that air emissions from the development comply with applicable criteria.

Contaminated Land

Minor earthworks will be required for the construction of the weighbridge and alterations to site access and car parking. The Environmental Assessment states that a “Chance Finds Management Procedure” will be prepared, and implemented should “unexpected finds” be encountered during earthworks. The preparation of a plan for dealing with unexpected finds is supported.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The application includes a Preliminary Hazard Analysis (PHA) prepared by Advitech Pty Limited. The Advitech website details that the company specialises in risk assessment and dangerous goods and hazardous chemicals assessments with the company accredited with the Australasian Institute of Dangerous Goods Consultants (AIDGC). The PHA provides a risk assessment based upon operational assumptions and modelling.

The PHA also identifies that in the process of preparing a PHA for submission to the Department in April 2016 for the previous modification application MOD 3 that seeks approval for the installation of an acid-alkali neutralisation process at the site, that a “disconnect” occurred between the applicant and the Department in regard to parameters applied in the PHA. The PHA also states that the Department has requested additional information in relation to the PHA for MOD 3. As the revised PHA for this modification application also relates to the application MOD 3 currently being assessed by the Department, the Department is requested to consider this revised PHA in its assessment of both this and the MOD 3 application.

Waste

A detailed waste management plan is not included in the documentation and should be provided. It is noted that in regard to Modification 3 that detailed information regarding the receipt, management and processing of the additional incoming waste volumes was also not provided. Assessment of this aspect of the development should be considered and addressed by the EPA.



In conclusion, in assessing this modification, the Department and NSW EPA is requested to consider and address the following:

- As the EPA will be the environmental regulatory authority, it is of key importance that any conditions recommended by the EPA be included in any consent issued by the Department;
- It is requested that NSW EPA and the Department consider all potential noise sources associated with the development and should consent be granted, mechanisms to ensure compliance with noise criteria, including the Industrial Noise policy, should be imposed. It is noted that the PHA refers to “recent and proposed changes” including a “Hazpak machine for the processing of paint containers near the South Western corner of the site”, however, this process and equipment is not included as a noise source in the Noise Assessment Report which should be addressed;
- It is understood that ongoing communication is occurring between the applicant and the Department in regard to the Preliminary Hazard Analysis (PHA). It is requested that the Department ensure a thorough review of the PHA is undertaken and that, should consent be granted, it includes mechanisms to ensure that the assumptions, requirements and recommendations specified within the approved PHA are implemented and complied with throughout the operation of the development.
- The preparation of a plan for dealing with unexpected finds is supported. All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent should be sought from Penrith City Council before the remediation works commence;
- It is requested that the Department and EPA ensure that a thorough assessment of resultant and cumulative air emissions (including odour) be undertaken and any consent and EPL issued include mechanisms to ensure ongoing compliance with air emission criteria;
- It is requested that, as part of the assessment process, NSW EPA thoroughly review the application giving specific consideration to the technology proposed to determine whether the proposed technology and associated processes comprise best practice both in regards to health and safety and environmental considerations;
- A detailed waste management plan is not included in the documentation. It is noted that in regard to Modification 3 that detailed information regarding the receipt, management and processing of the additional incoming waste volumes was also not provided. Assessment of this aspect of the development should be considered and addressed by the EPA; and



- It is noted that an anomaly exists between the Environmental Assessment and the Noise Assessment reports in relation to proposed hours. The Noise Assessment states that the hours of operation are proposed to be 5am to 11pm whilst the Environmental Assessment refers to the hours 5am-10pm. Confirmation of the hours should be reflected in any consent issued.

Should you require any further information please contact Kelly Edmonds, Principal Planner on (02) 4732 8138.

Yours sincerely,

Gavin Cherry
Development Assessment Co-ordinator