



CM9 ref: DOC19/1025411

The Secretary  
Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attn: Sheelagh Laguna

**ELECTRONIC MAIL & STANDARD POST**  
26 November 2019

Dear Ms Laguna,

**State Significant Development No. SSD-8375**  
**Stop the Clock - Request for additional information**

I refer to the above application (the application) which was received by the EPA on 4 November 2019 for comment by the Department of Planning, Industry and Environment (DPIE). The Applicant, Autorecyclers Pty Ltd is seeking development approval from DPIE to expand the current facility to process 130,000 tones of scrap metal per year at 57-69 Tattersall Road, Kings Park (Lot 100 DP 792731).

The EPA has undertaken a preliminary assessment of the application including a detailed Environmental Impact Statement by Barker Ryan Stewart dated October 2019 and has concluded that there is insufficient information to adequately assess the application and provide General Terms of Approval.

Specifically, the EPA refers to the Secretary's Environmental Assessment Requirements for the application which requires:

SEARS requirement	EPA comment
Details of how waste, including waste oil and chemicals, would be stored on and handled onsite, and transported to and from the site including details of how the receipt of non-conforming waste would be dealt with.	<p>It is unclear where and how waste stockpiles will be located on the premises. Particularly, whether those stockpiles will be exposed to rain, generating leachate, or whether they will be located under metal awnings or inside a building.</p> <p>The applicant has not defined how refrigerant gases will be removed from ELVs and particularly whitegoods; where they will be stored; and how they will be stored. The Applicant has not explained how they will comply with the <i>Australian automotive code of practice – Control of refrigerant gases during manufacture, installation, servicing or de-commissioning of motor vehicle air conditioners</i> or the <i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i></p>

Characterisation of water quality at the point of discharge to surface and/or groundwater against the relevant water quality criteria (Including contaminants of concern that may leach from the waste into the wastewater and proposed mitigation measures to manage any impacts to receiving waters.	Discharges have not been characterised in accordance with the National Water Quality Guidelines.  Proposed discharges do not identify all the likely contaminants associated with the proposed activity.
Details of stormwater/wastewater/leachate/firewater management systems including the capacity of onsite detention systems, and measures to treat, reuse or dispose of water.	The application does not state the capacity of capture systems and how they will be operated in an emergency. For example isolation by automatic or manual keystone valve.
An assessment of the integrity of any existing stormwater/wastewater/leachate infrastructure to be utilised by the proposed development.	The application does not include a site drainage plan which should identify surface flows, boundaries, drains, pits, pipes and bunds, etc.
A quantitative assessment of potential demolition, construction, operational and transport noise and vibration impacts in accordance with relevant Environment Protection Authority guidelines.	A number of aspects of the operational noise and vibration assessment require clarification and further assessment, including: <ul style="list-style-type: none"> <li>• Meteorological conditions during monitoring;</li> <li>• Selection and modification of amenity criteria;</li> <li>• Noise modelling methodology;</li> <li>• Meteorological conditions used in the assessment;</li> <li>• Road traffic routes and assessment;</li> <li>• Assessment of maintenance activities; and</li> <li>• Mitigation and management measures to address residual impacts.</li> </ul>
An assessment of the predicted transport noise and vibration impacts and justification of the proposed transport routes and times.	A significant proportion of site traffic not travelling along Sunnyholt Road has not been assessed, and information about other transport routes has not been provided.
Details and justification of the proposed noise mitigation and monitoring measures.	Non-receiver based noise mitigation to address residual noise impacts has not been discussed or considered in the assessment.
A description of waste processing operations, including a description of the technology to be installed, resource outputs, and the quality control measures that would be implemented.	The Applicant has not indicated if oxy-cutting will take place at the premises. Oxy-cutting has the potential to release smoke and causing air emissions and offensive odours. Where operations are not assessed in the EIS they may be prohibited in any Environment Protection Licence issued.

Where appropriate Tab 1 to this letter provides a detailed assessment of the information gaps in the EIS and what is required before an assessment can be made.

### What you need to do

The EPA recommends that the Applicant consider the information above and in Tab 1 and provide the required information. Until this information is provided, the EPA is unable to adequately assess the environmental impacts of the application.

Please note that the EPA is also currently reviewing the air information provided to the EPA, and will provide further comment on these components. If you have any further questions in relation to this matter, please contact Josh Madden on (02) 9995 5077.

Yours sincerely



**BELINDA LAKE**  
**Unit Head, Waste Compliance**  
**Environment Protection Authority**

## Tab 1 - Detailed information

### **Water discharge impact assessment**

Section 45 of the *Protection of Environment Operations Act 1997* (POEO Act) sets out the matters the EPA must consider when making licensing decisions, including:

- the pollution caused or likely to be caused by the carrying out of the activity or work concerned and the likely impact of that pollution on the environment
- the practical measures that could be taken to prevent, control, abate or mitigate that pollution, and to protect the environment from harm as a result of that pollution
- in relation to an activity or work that causes, is likely to cause or has caused water pollution the environmental values of water affected by the activity or work, and the practical measures that could be taken to restore or maintain those environmental values.

The *Environmental Impact Statement* (EIS) does not provide the information required to consider these matters.

It appears that there would be at least three water discharge points and there are likely to be a range of pollution sources that could potentially contaminate stormwater under the proposal. For example, the *Contamination Investigation* (Appendix F) states that discharges from the existing development contain elevated concentrations metals and petroleum hydrocarbons. However, it is unclear whether the proposed treatment measures are appropriate for the pollutants expected to be present, as the EIS does not characterise the quality of the discharges or assess their potential impact on the environmental values of the receiving waterway.

The EIS uses stormwater modelling to predict discharge loads of a limited suite of pollutants under two scenarios, developed and developed with mitigation measures. Predicted load reductions are compared to Blacktown City Council's generic stormwater targets. This approach does not consider the waterway outcomes and is inconsistent with the section 45 POEO Act licencing requirements.

*It is recommended that the applicant assesses the potential impact of discharges. This assessment should include details of the measures that have been considered and those proposed to be implemented to minimise discharges of pollutants, including but not limited to:*

- *separation of 'clean', 'dirty' and contaminated water*
- *source controls such as storing and processing high risk materials within a bunded, roofed area with a leachate management system*
- *increased wastewater storage and reuse*
- *alternative and/or additional treatment measures (e.g. first flush system).*

*For each proposed discharge point, this assessment should:*

- *estimate the expected frequency and volume of discharges*
- *characterise the expected quality of the treated and bypass discharges in terms of the typical and maximum concentrations of all pollutants likely to be present at non-trivial levels (this should be based on a risk assessment of the activities and materials on site and the expected performance of the proposed treatment measures)*
- *assess the potential impact of the proposed discharge on the environmental values of the receiving waterway consistent with the national Water Quality Guidelines (ANZG, 2018; including comparison of the predicted water quality to the relevant guideline values for slightly to moderately disturbed ecosystems)*
- *where relevant, identify appropriate measures to mitigate any identified impacts.*

*Consistent with the principles of the NSW Water Quality Objectives, the discharge impact assessment should demonstrate that the proposal will maintain the environmental values of the receiving waterway where they are currently being achieved or contribute to restoring the environmental values where they are not currently being achieved.*

## Water management system

The EIS does not provide adequate detail of the proposed water management system to demonstrate that the potential water quality risks will be appropriately managed. The *Site Plan* at Appendix B provides a proposed drainage plan for the southern part of the premises only and the *Catchment Plan* at Appendix B does not cover the entire site.

*It is recommended that the applicant provides a site drainage plan for the entire premises. The plan should:*

- *define site sub-catchment boundaries*
- *identify 'clean', 'dirty' and contaminated runoff sub-catchments*
- *identify the location and provide details of all potential water pollution sources including but not limited to processing and storage areas*
- *indicate surface flow directions*
- *include all water management features including pits, pipes, drains, bunds, storages, treatment measures and proposed discharge points.*

## Stockpile management

Appendix F notes that there are large floc stockpiles at the existing site. This material contains a range of pollutants that could potentially contaminate stormwater. Details of floc management are required to demonstrate potential risks to waters are appropriately managed.

*It is recommended that the applicant provides details of proposed floc management, including:*

- *the maximum volume of floc that will be present at the premises*
- *measures to prevent contamination of stormwater (e.g. storing material within a bunded, covered area).*

## Dust control foam

A foam injection system is proposed to control dust in the hammer mill. Some dust control foams can be toxic to aquatic organisms at low concentrations and, therefore, residue on processed material could potentially pose a risk to the receiving waterway if it contaminates stormwater.

*It is recommended that the applicant provides details of:*

- *the specific dust control foam proposed to be used*
- *measures that would be implemented to address potential water quality risks associated with the dust control foam.*

## Appropriate Guideline to assess operational noise impacts

A key question relates to which policy document should guide the assessment of operational noise for this proposal. The Secretary's Environmental Assessment Requirements (SEARs), dated 21 July 2017, state that the assessment of noise and vibration impact should be 'in accordance with relevant Environment Protection Authority guidelines'. A 3 month extension to the SEARs (which were considered still valid) was granted on 1 July 2019, extending their validity to October 2019.

Attachment 1 to the original SEARs lists a number of guidelines pertaining to noise and vibration that were suggested might assist with the preparation of the EIS:

- NSW Industrial Noise Policy (EPA 2000)
- NSW Road Noise Policy (EPA 2011)
- Environmental Criteria for Road Traffic Noise (EPA 1999)
- Interim Construction Noise Guideline (DECC 2009)
- Assessing Vibration: A Technical Guideline (DECC 2006).

It is important to note that it is clearly stated the above list is not exhaustive and not all of the guidelines may be relevant to the proposal, and I note that the Environmental Criteria for Road Traffic Noise has been superseded by the Road Noise Policy. The Noise Policy for Industry (NPfI) was introduced as current government policy in October 2017, following the preparation of the original SEARs.

On the basis of the above, while the EIS was prepared (and presumably submitted) within the extended period of validity of the SEARs, the SEARs clearly state that 'relevant' and hence current guidelines should be used, regardless of what was suggested in Attachment 1.

*As the NPfI had been in force for two years prior to the submission of the Final EIS, EPA considers the NPfI the appropriate guideline to be referenced with respect to operational noise assessment for this proposal.*

## **Background Noise Monitoring and Noise Criteria**

Section 4.1 of the ENVA states that 'atmospheric conditions were ideal for noise monitoring'. However, the proponent has not provided any data to confirm that wind speeds during the unattended monitoring period were below 5m/s and therefore valid, as per A4 of the NPfI.

*This wind speed data should be provided, preferably on the charts in Appendix D of the ENVA.*

The proponent has adopted the 'urban' amenity category for residential receivers R5 and R6. Receiver R5 is located in a highly trafficked residential suburb adjacent to Sunnyholt Road and is appropriately classed as urban. However, TANU considers that receiver R6 does not have a similar exposure to continuous road traffic noise, and train movements along the adjacent Blacktown-Richmond line are intermittent.

*EPA considers that the appropriate amenity category for receiver R6 is 'suburban' and the criteria for this receiver revised.*

In Section 4.3.2.2 of the ENVA, the proponent has adopted amenity criteria allowing for high levels of traffic noise for the evening and night periods without providing adequate justification for this approach.

*Adequate information, such as from attended noise measurements to determine the character of the noise environment, on the relative contribution of traffic noise vs industrial noise should be provided before this approach can be adopted. In lieu of this information, the standard project amenity levels should be used.*

Given that the ENVA states in Section 2 that maintenance activities will occur during the night-time period (6pm to 6am);

*Therefore sleep disturbance screening criteria for the night-time period should be nominated at receivers R5 and R6.*

## **Noise Modelling and Meteorology**

The ENVA provides predicted noise levels at surrounding receivers in Section 5.3 but does not provide information on the modelling methodology used (e.g. CONCAWE, ISO9613 or other).

*It is recommended that the proponent provide information on the calculation methodology used in the modelling of noise emissions from the site.*

The proponent has not carried out any analysis of meteorological data to identify whether any prevailing meteorological conditions are present (prevailing winds and/or temperature inversions) that might give rise to enhanced noise propagation and increase noise impacts at surrounding receivers.

*The ENVA must include this analysis in accordance with Fact Sheet D of the NPfI, or alternatively adopt the nominated noise-enhancing meteorological conditions in Table D1 of Fact Sheet D and assess noise impacts under these conditions.*

## **Road Traffic Noise**

The ENVA states in Section 5.3.3 that it is assumed only half of the trucks arriving to and leaving the site will travel along Sunnyholt Road to the south of Tattersall Road, and has assessed this number against the nominated criteria. No discussion or assessment is provided on the routes to be taken by the remaining half of the trucks accessing the site.

*The ENVA must provide an assessment of the noise impacts from other vehicle routes taken by vehicles accessing the site against the relevant criteria.*

## **Maintenance Activities**

Section 2 of the ENVA states that maintenance activities will be carried out on site seven days per week between 6pm and 6am.

*The proponent must provide information on these activities and assess their potential noise impacts at surrounding sensitive receivers against the relevant criteria, including any potential for sleep disturbance.*

## **Predicted Noise Impacts and Mitigation Measures**

The ENVA predicts some exceedances of the project noise trigger levels in Table 11, but states that as these exceedances are within 2 dB of the criteria, no further action is required to address these, citing Table 4.1 and Table 4.2 of the NPfI.

*While the NPfI states that for these negligible residual impacts, no further receiver-based treatments are warranted, the proponent should still assess whether any further feasible and reasonable mitigation measures can be applied, in addition to those described in Section 5.3.1 of the ENVA, at the source or to the transmission path to address these impacts.*