



DOC21/162757-4

6 April 2021

Mr David Schwebel
Planning Officer, Industry Assessments
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Schwebel

**Review of Environmental Impact Assessment (EIA) - SSD-10474
St Marys Resource Recovery Facility, 25 Dunheved Circuit, St Marys**

I refer to the request by the Department of Planning, Industry and Environment (DPIE) for the NSW Environment Protection Authority (EPA) to review the Environmental Impact Assessment (EIA) for a Resource Recovery Facility at 25 Dunheved Circuit St Marys (SSD-10474).

The EPA understands the applicant seeks consent for development comprising:

- A Resource Recovery Facility with throughput of 150,000 tonnes per annum, consisting of 110,000 tonnes of wood/timber waste, 30,000 tonnes of plasterboard waste and 10,000 tonnes of waste metals.

Based on the information provided in the EIS, the proposal will require an environment protection licence (licence) under the *Protection of the Environment Operations Act 1997* (POEO Act).

Attachment B contains mandatory conditions for all EPA licences.

The EPA has reviewed the EIA and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence. The general terms of approval for this proposal are provided in **Attachment A**. If DPIE grants development consent for this proposal, these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the EIA and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions in relation to this letter, please contact Mr Benn Treharne on 9995 6807 or via email at Benn.Treharne@epa.nsw.gov.au or myself on 9995 5646.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Wilson'.

TREVOR WILSON

Unit Head Regulatory Operations Metro South

Attachment A – EPA General Terms of Approval for Resource Recovery Facility at 25 Dunheved Circuit St Marys (SSD-10474)
Attachment B – Mandatory Conditions for all EPA licences

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Attachment A – EPA General Terms of Approval for Resource Recovery Facility at 25 Dunheved Circuit St Marys (SSD-10474)

If DPIE grants development consent for this proposal the EPA requests that the following conditions be incorporated into the consent:

1. Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
 - a. the development application SSD-10474 submitted to the Department of Planning, Industry and Environment;
 - b. The Environmental Impact Assessment and attachments, dated 25 February 2021 relating to the development; and
 - c. all additional documents supplied to the EPA in relation to the development.

2. Activities at the premises are to be limited to the following times and days:

Activity	Day	Time
Operation of facility - loading, unloading waste, processing, sorting.	Monday – Saturday	24 hours per day
	Sunday and Public Holidays	No operation permitted

3. The proponent must not cause, permit or allow any waste to be received at the premises, except for wood waste, plasterboard and metals.
4. The total amount of waste received at the premises must not exceed 150,000 tonnes per annum.
5. The amount of waste wood received at the premises must not exceed 110,000 tonnes per annum.
6. The amount of waste plasterboard received at the premises must not exceed 30,000 tonnes per annum.
7. The amount of waste metal received at the premises must not exceed 10,000 tonnes per annum.
8. Any waste received at the premises must only be used for resource recovery or waste storage.
9. The site must not exceed waste processing of 700 tonnes per day.
10. The proposal is required to meet the EPA's Standards for Managing Construction Waste in NSW. Refer to the EPA's website for more information: <https://www.epa.nsw.gov.au/your-environment/waste/industrial-waste/construction-demolition/construction-and-demolition-waste>
11. All loading, unloading, materials handling, sorting, sampling, processing and storage operations must be undertaken within a fully enclosed building.
12. No waste, waste derived products and/or finished products, are permitted to be stored outside of the building at any time.
13. The roller doors of the building must be kept closed at all times, except when vehicles are entering or exiting the building.
14. A wheel wash/s at the vehicle egress point/s must be operational and used at all times by trucks exiting the premises.

15. All trucks entering and exiting the premises must have their loads covered.
16. All roads and carparking areas at the premises must be sealed with concrete or asphalt.
17. All operating, storage, unloading and loading areas must be sealed with concrete or asphalt.
18. Any unused external surfaces must be sealed with concrete or asphalt or be vegetated.
19. All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants, including dust, from the premises.
20. The premises must be maintained in a manner that prevents and minimises the emission of air pollutants, including dust.
21. The proponent must ensure that no material, including sediment, is tracked offsite from the premises.
22. Fuel-run vehicles and plant must be switched off when not in use.
23. Onsite vehicles and plant should be fitted with pollution reduction devices where reasonably practicable.
24. Vehicles and plant must be maintained in accordance with manufacturer's specifications.
25. For all air emission sources at the site, the proponent must prepare an air quality management plan that includes, but is not limited to:
 - *Site specific benchmarking of emission controls with best management practice*
 - *Key performance indicator(s);*
 - *Monitoring method(s);*
 - *Location, frequency and duration of monitoring;*
 - *Record keeping;*
 - *Response mechanisms; and*
 - *Compliance reporting.*

The air quality management plan must be implemented prior to the commencement of any dust generating activities associated with the proposed expansion.

26. Within 6 months of the issue of this approval, the proponent must undertake a feasibility study to investigate options to reduce particulate emissions from diesel powered machinery at the facility. The study must, as a minimum:
 - a. evaluate the feasibility for adopting lower emission diesel plant and equipment;
 - b. evaluate the feasibility for adopting alternate fuel and power options, including natural gas and electrification;
 - c. evaluate the facility of additional management controls, including but not limited to idle reduction.
27. All operations and activities occurring at the premises must be carried out in a manner that minimises the emission of noise from the site.
28. An Ocean Protect StormFilter (or similar device) must be installed in the stormwater treatment train prior to the commencement of expanded project operations under this approval.

29. A maintenance schedule must be established to ensure that:
 - a. The gross pollutant trap is cleared at appropriate intervals;
 - b. The wheel wash is cleared at appropriate intervals; and
 - c. The StormFilter (or similar) cartridges are changed at appropriate intervals.
30. All chemicals must be stored in a self-bunding chemical storage cabinet (or other suitable bunding device) to ensure leaks or spills are contained.
31. A chemical spill kit must be located near stored chemicals to ensure any spills can be dealt with appropriately.
32. All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of water pollutants from the premises.
33. The premises must be maintained in a manner that prevents and minimises the emission of water pollutants.
34. The premises must have appropriate fire services to be able to deal with a fire event at the facility in accordance with the guidelines published by NSW Fire and Rescue (2020) *'Fire Safety in Waste Facilities Guidelines'*

Attachment B – Mandatory Conditions for all EPA licences

Attachment B includes mandatory conditions for all EPA Environment Protection Licences. The Proponent should be aware that should approval be granted and a licence issued by the EPA, the following conditions are mandatory for all EPA Environment Protection Licences:

Financial Assurance

The provision of a financial assurance will be required for the site consistent with provisions under Part 9.4 of the *Protection of the Environment Operations Act 1997* (the POEO Act). The amount and form of the assurance would be determined by the EPA during the assessment of an EPA licence application.

Pollution Incident Response Management Plan

The preparation, testing and implementation a Pollution Incident Response Management Plan in accordance with Section 153A of the POEO Act will be required during the assessment of an EPA licence application.

Authorised amount

An Authorised amount which limits the total amount of processed and unprocessed waste materials that can be lawfully stored onsite at any one time would be determined by the EPA during the assessment of an EPA licence application.

Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the POEO Act, having regard to the matters in s.83 of that Act.

Waste

The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the POEO Act as set out below:

Waste	Description	Activity	Other limits
Wood waste	As described in the POEO Act (as in force from time to time)	Resource recovery Waste storage	
plasterboard		Resource recovery Waste storage	
metals		Resource recovery Waste storage	

Waste management

All material unloading, screening, shredding, crushing and sorting of materials activities must be undertaken within an enclosed building.

Standards for managing construction waste in NSW

If the development application is approved and an environment protection licence is issued for the facility, the Applicant will be required to comply with the EPA's *Standards for Managing Construction Waste in NSW* (the Standards). The EPA notes that the Standards have been considered as part of the EIA and details on how these will be complied with should be included in the site management plans.

Waters

Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the POEO Act must be complied with in connection with the carrying out of the development.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- ☐ the date and time of the complaint;
- ☐ the method by which the complaint was made;
- ☐ any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- ☐ the nature of the complaint;
- ☐ the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- ☐ if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or

b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event. The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Post commissioning Noise Assessment

1. Within 4 months of the EPA issuing an environmental protection licence, an investigation of the nighttime noise impacts from the proposal must be undertaken to determine if the operations are satisfactorily managing noise impacts from the site overnight. The investigation must include:

- a) a noise impact assessment of the facility in full operation over the night period (10pm to 6am) and a noise mitigation report.
- b) The noise impact assessment study and mitigation report must be carried out strictly in accordance with the methodologies set out in the EPA's Noise Policy for Industry (2017).
- c) The noise impact assessment must address the following:
 - i) identification of all significant sources of noise at the premises operating between 10pm and 6am;
 - ii) in field measurement of the premises operating between 10pm and 6am. Note: unloading and processing of waste must occur during the period of in field measurement; and
 - ii) The results of the noise impact assessment must be compared against the predicted noise levels for the residents detailed in table 19 "Predicted Maximum Noise Levels at Residences L_{AFmax} " of the Environmental Impact Assessment authored by Sam Coles and dated 25 February 2021.

- d) The mitigation report must address the following:
 - i) Using the results of the noise impact assessment, if the facility cannot meet the predicted noise levels for the residents, a technical review of all practicable noise mitigation options must be carried out and the potential reduction in noise impacts associated with each mitigation option must be quantitatively evaluated; and
 - ii) The mitigation report must present a timeframe for implementing any mitigation works proposed to address noise issues identified in the odour impact assessment.
- e) Within 4 months of the facility commencing operations a formal report on the findings of the noise impact assessment and the noise mitigation report must be submitted to the EPA for consideration.