



DOC22/42225

Christopher Fraser
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Major Projects Portal
21 January 2022

Dear Mr Fraser,

Proposed Eastern Creek Resource Recovery Facility (SSD- 9774) at Hanson Place, Eastern Creek – Response to Submissions

Thank you for the request for advice from Public Authority Consultation (PAE-33950585) requesting review by the NSW Environment Protection Authority (EPA) of the Response to Submissions for the proposed Eastern Creek Resource Recovery Facility (Application SSD-9774) at 21, 31 and 42 Hanson Place, Eastern Creek (Premises).

The EPA has reviewed relevant sections of the following documents:

- Statutory authorities, public and organisations submissions made on the proposal.
- Response to Submissions Report – Ethos Urban Pty Ltd – December 2021
- Air Quality Letter – ERM – August 2021
- Noise and Vibration Assessment – SLR Consulting Australia Pty Ltd, September 2021
- Supplementary Detailed Site Investigation – Martens & Associates Pty Ltd – November 2021
- Sampling and Analysis Quality Plan – Martens & Associates Pty Ltd – July 2021
- AFG Tip Head Management Standard – Alex Fraser Group – March 2021

Based on the information provided, the resource recovery facility would be a scheduled activity and require an Environment Protection Licence (Licence) under section 48 of the *Protection of the Environment Operations Act 1997* (POEO Act).

The EPA has considered the Response to Submission and relevant documents and provides comments to the Department of Planning and Environment in Attachment A. In addition to the comments provided in Attachment A the EPA has provided recommended conditions of approval in Attachment B.

These comments and recommended conditions relate to the development as proposed in the documents and information currently provided to the 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 the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its conditions of approval need to be modified in light of the changes.

If you have any questions in relation to this matter, please contact Felicity Bain on (02) 8275 1513 or via email at Felicity.Bain@epa.nsw.gov.au.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kasey Hills', written over a horizontal line.

KASEY HILLS

A/Unit Head

Regulatory Operations Metropolitan North

Attachment A – EPA Comments on Response to Submissions

Site Activities – Dust – Wheel Wash

The EPA has previously raised concerns in relation to dust emissions and sediment tracking at the premises and subsequently recommended the installation of a wheel wash at the premises.

In response to the EPA's concerns, Section 4.3.5 of the *Response to Submissions Report* states that “*Each truck will travel at least 300m on the sealed internal road*” and “*A street sweeper is proposed to ensure materials are not tracked from the premises*”.

Despite these measures the EPA remains concerned that sediment will be tracked by vehicles entering and exiting the shed during drop-off and collection of material to the Premises. Additionally, vehicles entering the premises may introduce sediment from other sites onto the premises.

The EPA strongly recommends that a wheel wash is required to be installed at the Premises to minimise sediment tracking and dust emissions.

Contamination

The EPA has reviewed the *Response to Submissions Report*, the *Supplementary Detailed Site Investigation* and the corresponding *Sampling Analysis and Quality Plan*. The EPA considers that the applicant has largely addressed the comments and concerns previously raised by the EPA.

The EPA recommends that a Soil and Water Management Plan (SWMP) be developed and included as a condition of approval, as outlined in Attachment B. An SWMP will ensure that any unexpected finds are managed appropriately and ensure that should any unexpected contamination be found which requires remediation to make the site suitable for intended use, a site auditor is engaged.

Noise

The EPA has reviewed the Noise and Vibration Assessment, prepared by SLR Consulting Pty Ltd, dated 23 September 2021, and considers the assessment to have satisfactorily assessed the proposed facility. The applicant should ensure that all feasible and reasonable noise mitigation and management measures are adopted for both the construction and operational aspects of this project, to minimise the potential for noise impacts at surrounding sensitive receivers.

The proposed facility is one of the components of the Concept Plan for the wider Hanson site, for which approval was obtained in June 2010 under MP 06_0225. The EPA recommends that the Department of Planning closely review and make appropriate accommodations for any interaction between the recommended noise conditions, contained in Attachment B and the noise limits in the project approval for the site. Planning should also consider any potential complexities in measuring and determining compliance against the above recommended conditions for this premises, in the context of noise emissions from the various project elements, the wider project site and other premises in the vicinity.

Attachment B – EPA Recommended Conditions of Approval

Contamination Conditions

1. Prior to commencement of construction works, the Applicant must provide the Planning Secretary a copy of a **Soil and Water Management Plan (SWMP)** that will address any contamination, including any unexpected contamination, found during construction works.

The SWMP 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;
 - store, test and appropriately dispose of the groundwater and soils where contaminated media is identified; and
 - include a clear and detailed unexpected finds protocol 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

2. If unexpected contamination is found and remediation is required to make the land suitable for the intended land use:

- A **Remedial Action Plan** 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. The Remedial Action Plan must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* and must 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.
- Prior to commencing with the remediation, the Applicant must submit to the Planning Secretary for information, the **Remedial Action Plan** and **Interim Audit Advice** from a NSW EPA accredited Site Auditor that confirms that the Remedial Action Plan is appropriate and that the site can be made suitable for the proposed use if the Remedial Action Plan is implemented.
- The Remedial Action Plan must be implemented and any changes to the Remedial Action Plan must be approved in writing by the EPA-accredited Site Auditor.

3. If unexpected contamination is found and remediation is required to make the land suitable for the intended land use:

- A **Section A1** or **Section A2 Site Audit Statement** (accompanied by an Environmental Management Plan) and its accompanying **Site Audit Report**, which certify that site is suitable for the intended land use, must be submitted to the Planning Secretary after remediation and no later than one (1) month prior to the commencement of operation of the SSD.
- Contaminated land must not be used for the purpose approved under the terms of this approval until a Section A1 or 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.

Note: The EPA reminds the Applicant of the following:

- The processes outlined in State Environmental Planning Policy 55 – Remediation of Land (SEPP55) be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
- The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of *Contaminated Land Management Act* (CLM Act)].
- The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination

www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Noise Conditions

Noise Limit Conditions

- L6.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Any residential receiver	40	35	35	52

- L6.2 For the purposes of condition L6.1:
- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
 - b) Evening means the period from 6pm to 10pm.
 - c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

- L6.3 Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L6.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

- L6.4 For the purposes of condition L6.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Horsley Park.

- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - i. Use of sigma-theta data (section D1.4).

L6.5 To assess compliance:

- a) with the $L_{Aeq(15 \text{ minutes})}$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
 - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - (iv) at any other location identified in condition L6.1
- b) with the $L_{Aeq(15 \text{ minutes})}$ or the L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
 - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
 - (ii) at the reasonably most affected point within an area at a location prescribed by condition L6.5 (a).

L6.6 A non-compliance of conditions L6.1 and L6.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L6.5 (a) or L6.5 (b).

NOTE to L6.5 and L6.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L6.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L6.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Noise Monitoring Conditions

M8 Requirement to Monitor Noise

M8.1 Attended noise monitoring must be undertaken in accordance with Condition L6.5 and must:

- a) occur at each location specified in Condition L6.1;
- b) occur annually in a reporting period;
- c) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and
 - 1 hour during the night.
- d) occur for three consecutive operating days.

Noise Reporting Conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1 and L6.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1 and L6.3.

NOTE:

Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.8.
 - L_{Aeq} (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
 - L_{AFmax} – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.