



DOC20/886855

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Major Projects Portal & Electronic Mail  
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### **EPA Advice on Environmental Impact Statement**

Dear Mr Koppers,

Thank you for the request for advice from Public Authority Consultation (PAE-9405812), requesting the review by the NSW Environment Protection Authority (**EPA**) of the Environmental Impact Statement (**EIS**) for the proposed Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre (SSD-10459) (**the Proposal**) at part Lot 100 DP 1168951 known as 9 Devon Street, Rosehill, NSW, 2142 (**the Premises**).

The EPA understands VE Property Pty Ltd (**the Applicant**) is proposing to create a thirty-five hectare industrial estate at the Premises by subdividing the Premises into eight lots and conducting infrastructure works. The EPA understands the Proposal also involves the construction and operation of the Sustainable Road Resource Centre on the proposed lot 6 of the industrial estate including an asphalt plant, a bitumen projects plant, and two waste facilities being a reclaimed asphalt pavement (**RAP**) facility and Reconomy facility (**Road Resource Centre**).

The EPA has conducted a review of the information provided for the Proposal including the EIS prepared by Element Environment Pty Ltd and dated 18 September 2020, and the associated documents.

The EPA has determined that the provided information is insufficient for the EPA to adequately complete its assessment of the Proposal and notes that the EIS and associated documents do not provide all of the information required by the EPA within the EPA's requirements for the Secretary's Environmental Assessment Requirements in notice number 1594960 and dated 21 May 2020 (**the SEARs**). Therefore, the EPA is unable to provide recommended conditions of approval for the Proposal at this stage. The EPA's comments are provided in Attachment A below.

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If you have any questions about this request, please contact Alex Sands on (02) 9995-5981 or via email at [alexandra.sands@epa.nsw.gov.au](mailto:alexandra.sands@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'CF', with a large, stylized loop and a trailing flourish.

**CELESTE FORESTAL**  
**Unit Head Regulatory Operations – Metro North**  
**Environment Protection Authority**

## **ATTACHMENT A**

The EPA notes that the construction of the proposed Road Resource Centre will require an environment protection licence under section 47 of the *Protection of the Environment Operations Act 1997 (POEO Act)* for scheduled development work and the operation of the Road Resource Centre will require an environment protection licence under section 48 of the POEO Act for premises based scheduled activities.

The POEO Act makes clear that environmental performance is to be continuously improving. The EPA therefore seeks best practice in all new facilities or activities. The need for best practice can be linked to the following elements of the POEO Act:

- Section 3 of the POEO Act sets out the objects of the act which includes:
  - (d) to reduce risks to human health and prevent the degradation of the environment by the use of mechanisms that promote the following –
    - (ii) the reduction to harmless levels of the discharge of substances likely to cause harm to the environment; and
    - (iv) the making of progressive environmental improvements, including the reduction of pollution at source.
- Section 45 of the POEO Act sets out the matters to be taken into consideration in licensing functions which includes:
  - (d) the practical measures that could be taken:
    - (i) to prevent, control, abate, or mitigate that pollution; and
    - (ii) to protect the environment from harm as a result of that pollution.

The EPA is concerned that the Proposal in its current form is not meeting the objectives of the POEO Act or taking all practical measures to prevent, control, abate, or mitigate pollution.

The EPA requires the Applicant to provide additional information to enable to EPA to adequately assess the Proposal and the potential environmental impacts. The required additional information is detailed below.

### **Enclosure of Facilities and Material**

The EPA notes that the SEARs advised that the EPA expects facilities at the Road Resource Centre to be enclosed and that all waste and material handling activities including receipt, sorting, processing, sampling, quarantine, storage, and loading must be conducted within an enclosed building. This is best practice for all new facilities to ensure the minimisation of pollution and to improve environmental outcomes. However, the Proposal in its current form proposes for a number of activities to be conducted outside. The EIS does not provide any justification or explanation for why the Proposal does not include the complete enclosure of all facilities and why all waste and material handling activities are not proposed to be conducted internally as required by the SEARs.

The EPA notes that a licensed Reconomy facility is currently operating at 1A Unwin Street, Rosehill. The EIS states that the current Reconomy facility is proposed to be replicated at lot 6 of the Premises. However, the Reconomy facility located at 1A Unwin Street operates within a fully enclosed building and the Reconomy facility at lot 6 is proposed to be outside. As a result, the proposed facility will be decreasing its environmental performance by removing environmental controls which is in direct opposition to the objects of the POEO Act.

The Applicant must revise the Proposal to ensure all facilities are fully enclosed and no waste or material activities are conducted externally. If this is not feasible, the Applicant must provide detailed

justification for each proposed external activity and how, for each activity and the overall site, the Proposal will achieve similar environmental outcomes to all facilities and waste and material handling activities being conducted inside fully enclosed buildings.

### Unsealed Hardstand

It was detailed within the SEARs that all the external haulage areas and roads at the site must be sealed hardstand and any unused external surfaces must be sealed hardstand or vegetated. The EPA understands that a large area of the Road Resource Centre is proposed to be unsealed hardstand. It is not clear from the EIS or site plan exactly which areas of the Road Resource Centre site are proposed to be sealed and which are proposed to be unsealed. No justification has been provided for any area of the site to be unsealed.

The EPA expects that the Road Resource Centre site will be sealed hardstand (aside from unused vegetated external surfaces) as is advised within the SEARs and as is best practice for all new facilities. Unsealed hardstand areas can cause the migration of pollutants into groundwater.

### Site Plan

The site plan provided for the Road Resource Centre with the EIS does not meet all the requirements of the SEARs and is lacking in detail. The SEARs required the site plan to identify at minimum:

- Locations of the proposed facilities;
- Traffic flows and directions;
- Haulage;
- Materials and waste receipt, processing, storage, and loading (for each waste and material type);
- Quarantine;
- Infrastructure for environmental controls including dust, noise, water, odour, and wheel wash;
- Weighbridges;
- Site boundaries;
- Stormwater drainage areas; and
- Unused stabilised areas.

The Applicant must provide an updated site plan for the Road Resource Centre which includes the identification of all of the above as well as the other notable infrastructure/areas listed below:

- Site offices;
- Laboratory;
- Workshop;
- Stormwater management infrastructure;
- Electrical substation area;
- Any areas relevant to the standards for managing construction waste including tip and spread area and inspection checkpoints;
- Diesel storage area;
- Diesel unloading bay;
- Kerosene storage area;
- Gas storage area;
- Other chemical/ hazardous waste storage areas;
- Refuelling, fuel decanting, and vehicle maintenance areas;
- Spill response kits;
- Rainwater tanks;
- Processing equipment;

- Heavy vehicle parking areas;
- Other (light vehicle) parking areas;
- Machinery storage areas;
- Infrastructure/equipment for all proposed facilities; and
- Dimensions for proposed facilities/infrastructure.

### Waste Management

The SEARs provided by the EPA required a detailed assessment of the waste and management material processes to be undertaken for the proposed Road Resource Centre. This included at minimum but was not limited to:

- Details of the sources of waste/materials to be received (this includes the source of each type of waste and material for each of the proposed facilities);
- Details of the types and quantities of each type of waste/materials to be received;
- Details of the maximum volume of each waste/material to be stored at any one time;
- Details of the maximum annual throughput of each waste/material to be processed;
- A detailed description of processing procedures for each waste and material type;
- A description of how the EPA's record-keeping and reporting requirements will be met, including weighing material in and out;
- Details of the type and quantities of materials to be produced and their intended fate;
- The intended fates of all other waste and materials received/produced on site which are not suitable for re-use;
- Details of any materials produced under a Resource Recovery Order, and the controls/procedures in place for meeting the conditions of that order; and
- A description of procedures for dealing with non-conforming waste and materials (i.e. waste not permitted to be received).

The Applicant has not provided sufficient information regarding each of the above points and as such the EPA is not able to assess the environmental impacts of the waste/material. The EPA notes that a waste management plan has not been provided with the EIS. The EPA requires the Applicant to provide detailed information for each of the above listed points and the proposed waste management measures.

As part of the proposed asphalt plant process, the inside of truck bodies will be sprayed with a bitumen release agent. The EPA requires the Applicant to provide information regarding what is in the release agent proposed to be used.

The EPA notes that the proposal involves 7 x 60kL and 6 x 80kL bitumen emulsion tanks. It is unclear as to why the facility requires two different types of bitumen emulsion tanks. The Applicant should clarify why this is necessary.

The EPA also notes the following regarding waste/material:

- The EIS states the recovered organic material from Reconomy will be transported to a composting facility for reuse. This material cannot be reused and must be disposed of at landfill.
- Glass is not a waste type which is permitted to be received at the current licensed Reconomy facility in Rosehill and is not included with the current site-specific resource recovery order and exemption.
- The EIS states that recovered plastics and oil from the Reconomy facility will be incorporated into the production of asphalt, replacing filler and/or aggregate. This is not permissible under the current site-specific resource recovery order and exemption.

The EPA notes the facilities proposed to operate at the Road Resource Centre will be utilising a number of different general and specific resource recovery orders and exemptions in the production

of material. Separate applications may be required to be made to the EPA regarding the proposed use of specific resource recovery orders and exemptions.

### Waste and Material Types

The SEARs required that the EIS include detailed information regarding waste and material types which are intended to be received at the Road Resource Centre. This information included:

- For each waste/material type, the physical and chemical content of the waste/material, the types of pollution which may result from the storage and processing of that waste/material and mitigation measures for managing any such impacts;
- Regarding waste collected from street sweepings, stormwater gullies, and mud from non-destructive excavation, information on the source and type of pollutant to be collected and details of the types of catchments where the gross pollutant traps are located as pollutants found in residential areas would differ to those found in industrial areas. Consideration was to be given to the potential change in pollutant source and type of pollutant which may occur as a catchment develops or is redeveloped;
- The identification of the types of waste that to be received at the waste facilities, with reference to the EPA's Waste Classification Guidelines and the definitions within the POEO Act; and
- Where waste is being received and is wet and will require dewatering – the EIS must demonstrate whether it is classified as liquid waste, or not.

The EIS has not included sufficient information regarding the waste and material types to be received at the Road Resource Centre and has not adequately addressed the above points. The EPA requires the Applicant to provide detailed information regarding each of the waste and material types proposed to be received at the Road Resource Centre including the information required within the above points.

### Air

The EPA has reviewed the following Air Quality Impact Assessment (**AQIA**) submitted with the EIS:

- Appendix D – Air Quality Impact and Greenhouse Gas Assessment Central Sydney Industrial Estate Incorporating Downer and Sustainable Road Resource Centre, prepared by Todoroski Air Sciences and dated 17 September 2020.

The EPA has determined that the information within the AQIA is insufficient for the EPA to assess the potential air impacts from the Proposal and has not adequately addressed the requirements of the SEARs. The EPA requires the Applicant to address the matters set out below and provide the required additional information in order to adequately assess potential air impacts.

### **Management and control of fugitive gaseous emissions**

#### **a) Principal air toxics**

Bitumen and asphalt production processes result in the emissions of principal air toxics (such as benzene). Emissions of principal air toxics could occur from:

- Asphalt plant dryer discharge;
- Asphalt loading to trucks;
- Bitumen storage, handling or transfer tanks. Particular when tanks are required to be heated to enable handling of bitumen;
- Emulsion production, where bitumen is handled, stored or transferred.

As per Section 6.2.1 of the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW*, principal toxic air pollutants must be minimised to the maximum extent achievable through the

application of best-practice process design and/or emission control. The AQIA does not benchmark the proposal against best practice, hence it has not been demonstrated that principal air toxics have been minimised to the maximum extent achievable.

#### **b) Odour**

The AQIA predicts a maximum ground level odour concentration of 6 Odour units (**OU**) which is above the 2 OU impact assessment criteria applied in urban areas.

Fugitive odour emissions from loading asphalt to the trucks is the highest fugitive odour emissions accounted for in the assessment. The asphalt loading accounts for approximately 88 % of modelled ground level fugitive odour emissions. Ground level fugitive emissions have potential to impact offsite at a greater degree than point source discharges. As such the predicted offsite ground level concentrations for odour are likely to be heavily influenced by the asphalt loading emissions.

Other asphalt plants in NSW have incorporated enclosed truck loading areas with fugitive emission capture. As such there are measures available to mitigate the impacts caused by fugitive odour from asphalt plants. Fugitive odour capture would also assist in minimising potential ground level fugitive emissions of principal air toxics.

The EPA requires the Applicant to benchmark the proposed design against best practice and revise the AQIA incorporating all feasible and reasonable best practice mitigation measures to:

- Demonstrate principal air toxic emissions are minimised to the maximum extent achievable; and
- Demonstrate compliance with the odour impact assessment criteria.

#### **Management and control of fugitive particulate matter emissions**

Scenario 2 as presented in the AQIA assesses potential impacts associated with the Road Resource Centre operations and construction earthworks associated with the subdivision and lot preparation. The AQIA predicts exceedances of the annual average PM<sub>10</sub> and PM<sub>2.5</sub> impact assessment criteria.

The Road Resource Centre operations account for approximately 33% and 45% of modelled PM<sub>10</sub> and PM<sub>2.5</sub> emissions for Scenario 2. Based on scaling of the predicted GLCs, the EPA estimates that potential incremental contributions from the Road Resource Centre operations could be approximately:

- 2.1 ug/m<sup>3</sup> of annual average PM<sub>10</sub>, which is approximately 8% of the impact assessment criteria, which is not considered insignificant;
- 1.1 ug/m<sup>3</sup> of annual average PM<sub>2.5</sub>, which is approximately 14% of the impact assessment criteria, which is considered significant.

Of the PM<sub>2.5</sub> emissions estimated from the Road Resource Centre operations, exhaust emissions account for 52% of total PM<sub>2.5</sub> emissions. Presumably these are emissions from proposed non-road emissions sources, such as front-end loaders. Exhaust emissions also account for a proportion of PM<sub>10</sub> emissions (approximately 18%).

Where exceedances of the impact assessment criteria are predicted, the Applicant must demonstrate that all feasible and reasonable mitigation measures have been implemented. The AQIA does not benchmark proposed mitigation measures against best practice.

The EPA considers that there are measures available to minimise emissions from industrial plant. This could include committing to using non-road vehicles that meet the highest available emission performance. Alternatively retrofitting older style fleet with particulate matter filters to achieve an equivalent level of performance could be considered.

The Applicant must benchmark the Proposal against best practice to demonstrate that all feasible and reasonable best practice mitigation measures have been incorporated into the design of the proposal. This should include consideration of:

- Utilising non-road vehicles that achieve the highest available particulate matter emission performance;
- Retrofitting non-road vehicles with particulate matter filters, where new equipment is not feasible to be purchased for the proposal;
- Other fugitive emission mitigation measures which could be relevant to the proposed material handling activities, such as complete enclosure.

The AQIA discusses mitigation and management measures, however limited detail has been provided regarding how these will be implemented. These include:

- Exposed areas and stockpiles being covered and dampened with water as far as practicable;
- Dampen material when excessively dusty during handling; and
- A sweeper unit to be regularly deployed to the operational site to sweep/clean internal roads periodically to prevent any tracking of debris.

The Applicant must provide further detailed information regarding the mitigation measures including the measures listed above. The Applicant must provide detailed information regarding how fugitive particulate emissions will be managed at each of the proposed facilities for the operation of the Road Resource Centre.

### **Demonstrating compliance with the *Protection of the Environment Operations Clean Air Regulation***

The proposed Road Resource Centre operations include a proposed asphalt plant. A point source discharge is proposed for the asphalt production processes. All point sources must comply with the relevant prescribed concentrations contained in the *Protection of the Environment Operations Clean Air Regulation (Clean Air Regulation)* as a minimum.

As per section 3.5 of the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW*, emission estimates for proposed projects must be used to demonstrate compliance with the Clean Air Regulation can be achieved.

The AQIA does not estimate pollutant concentration discharges through the proposed point source and does not demonstrate compliance with the Clean Air Regulation.

The AQIA must be revised to demonstrate emissions from the proposed asphalt plant can comply with the Clean Air Regulation.

### **Assessment of impacts at proposed industrial lots**

The EPA notes that the AQIA has not considered the proposed lots of the industrial estate as potential sensitive receivers for the operation of the Road Resource Centre. The Applicant must revise the AQIA to assess the potential impacts from the operation of the Road Resource Centre at neighbouring industrial receptors.

### Water

The EPA has reviewed the following Surface Water Impact Assessment (**SWIA**) submitted with the EIS:

- Appendix F – Civil Engineering Report and Water Cycle Management Plan, prepared by Costin Roe Consulting and dated 17 September 2020.



The EPA has determined that the information within the SWIA is insufficient for the EPA to assess the potential water impacts from the Proposal and has not adequately addressed the requirements of the SEARs. The EPA requires the Applicant to address the matters set out below and provide the required additional information in order to adequately assess potential water impacts.

### **Separation of 'clean', 'dirty' and 'contaminated' water during operation**

It is unclear if during operation of the proposed Road Resource Centre, measures will be taken to ensure that clean run-off is diverted around the dirty or contaminated areas of the site. Also, storage areas with the potential to generate pollutants, such as the organic bunkers, are not covered to prevent the generation of contaminated run off.

It appears from the description in the EIS that all water that runs onto the site (except for roof water) will be directed to the GPT and bioretention basin. This includes all clean water and potentially contaminated water from the organic bunkers which have 'stand-alone' stormwater pits. The 'stand-alone' stormwater pits are not pumped to a different location or treated separately to other run-off.

The Applicant must clearly define the clean, dirty, and contaminated catchments on the site and outline how they will each be treated appropriately. All storage areas with the potential to generate contaminated run-off must be covered.

### **Water balance does not include process water use**

The water balance presented in the SWIA is limited to the harvesting and re-use of stormwater, and the use of water in toilet facilities. The use of water in materials processing such as the RAP facility, asphalt manufacturing, bitumen products and Reconomy facility is not included in the water demand. The discharge of water as a component of trade waste is also not identified.

The Applicant must revise the water balance to include all water end uses during operation of the Road Resource Centre and identify any potential for additional re-use.

### **Discharges are not clearly defined**

During construction, the EIS advises that clean water will be pumped from a Type D sediment basin to Duck River whereas the SWIA states that most water from this sediment basin will be used for dust suppression on site. No details are provided about the volume or frequency of discharges from this point and only general information is provided about water quality related to suspended solids concentrations that can be expected from a flocculated Type D sediment.

During operation of the Road Resource Centre, the EIS identifies a discharge point from the bioretention basin to Duck River. No details are provided about the volume, frequency or water quality of discharges from this point.

If controlled discharges are to occur an assessment of the potential impact of proposed treated stormwater discharges on the environmental values of the receiving waterway during construction and operation is required.

The Applicant must demonstrate that all options to avoid or minimise a discharge have been considered and where practical and reasonable, implemented.

If controlled discharges are required, the Applicant must provide a discharge impact assessment. This assessment should include details of the measures that have been considered and those proposed to be implemented to minimise discharges of pollutants.

For each proposed discharge point, this assessment must:

- Estimate the expected frequency and volume of discharges;
- Characterise the expected quality of the treated 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); and
- Where relevant, identify appropriate measures to mitigate any identified impacts.

Consistent with the principles of the NSW Water Quality Objectives, the discharge impact assessment must 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.

### **Recycled water service**

The EIS advises that an external recycled water service is available to the site. The EPA does not believe it is appropriate for externally supplied recycled effluent to be utilised at the Road Resource Centre due to the potential for contamination and would be unlikely to permit the use of the service under a licence.

### Licensed Area

A licence will be required for the operation of facilities proposed for the Road Resource Centre. The Proposal should identify which area(s) of the Road Resource Centre the Applicant proposes to be included within the licensed area.

The Applicant should be aware that the EPA anticipates that the majority of the Road Resource Centre will be required to be included within the licensed area and it is likely that due to licensing requirements, the licensed area may be required to cover the entire area of proposed lot 6.

### Weighbridge

The EPA understands the Proposal involves the installation of three weighbridges at the Road Resource Centre. It is unclear as to why three weighbridges are proposed and what the purpose is for each weighbridge.

The Traffic Impact Assessment prepared by PTC Consultants and dated 17 September 2020 (**the Traffic Assessment**), states that only the RAP vehicles are required to be weighed. The EIS states that only RAP trucks will require the use of the entry weighbridge and there will be three entry lanes for vehicles at the entrance to the Road Resource Centre from Devon Street so vehicles can bypass the weighbridge.

Under section 88 of the POEO Act, licensed waste facilities are subject to the waste levy and the associated requirements including weighbridge requirements. One of the requirements is for all vehicles, whether they are carrying waste or not, are to be weighed via weighbridge both when they enter and exit the licensed area. As such, the Traffic Assessment and the EIS are incorrect and the location and use of weighbridges, and traffic management and flows will need to be reviewed by the Applicant to ensure compliance with the weighbridge requirements.

As stated above, given licensing requirements for the proposed facilities at the Road Resource Centre, the EPA anticipates that it would be difficult for the licensed area of the Road Resource Centre to be limited to a specific area and may be required to encompass the entire area of proposed lot 6. The EPA recommends that the Applicant consider this when reviewing traffic management and flows, and location and use of weighbridges at the Road Resource Centre.

### Scheduled Activities

The SEARs required the Applicant to identify and describe details of all scheduled and ancillary activities which will be conducted as part of the Proposal. The Applicant must ensure all scheduled and ancillary activities have been identified and listed within the EIS, with particular regard to the construction and operation of the Road Resource Centre.

### Owner/Occupier

The EPA understands that Viva Energy Pty Limited (**Viva**) is the current owner of the Premises. However, the EPA understands that Viva is not proposed to be the owner/occupier of proposed lot 6 during construction and operation of the Road Resource Centre which will require a licence.

As advised in the SEARs, the EPA is only able to issue a licence to the lawful occupier. The EPA will require evidence that the occupier is the lawful occupier. At this stage, no evidence has been provided regarding this.

### Wheelwash

As advised within the SEARs, best practice material handling facilities utilise a wheel wash to reduce the risk of contaminants being tracked out onto public roads and into local stormwater drains and networks. The EPA notes the Proposal does not include the installation of a wheelwash for the proposed Road Resource Centre.

The EIS only briefly references the lack of wheelwash and states that a wheelwash is not necessary as on-site roads will be regularly maintained with a road sweeper. No further explanation or justification is provided regarding this and no other measures are proposed.

The EPA does not agree with the assertion that a wheelwash is not necessary and does not believe that a road sweeper will ensure that no sediment, particulates, or waste are tracked onto public roads or into local stormwater drains and networks. Particularly given the number of facilities at the site, the extent of the proposed external activities, and the proposed unsealed area of hardstand at the site.

The justification for the lack of wheelwash is inadequate and the EPA expects the Proposal to be amended to include the installation of a wheelwash or the Applicant must provide sufficient justification for not installing a wheelwash including detailed information as to how other proposed mitigation measures will achieve similar environmental outcomes as the installation of a wheelwash at the site.

### Excavator

The EIS states that the RAP and Reconomy facilities will share an excavator. This presents a high risk of contamination due to the different waste types handled and processed at each facility. A shared excavator could result in contamination at either of the facilities. The Applicant must have an excavator for separate use at each waste facility or provide detailed information regarding how the shared excavator will be managed to ensure that no contamination occurs.

### Dangerous Goods and Chemical Transport, Storage and Handling

The EIS states that refuelling, fuel decanting and vehicle maintenance work will occur in a designated area within the Road Resource Centre. It is unclear if this area is undercover and bunded to minimise the potential for leakage or migration of pollutants. The EPA requires the Applicant to provide further

information about this area and whether or not it is undercover or bunded. The EPA expects all fuel areas to be bunded and if this is not proposed the Applicant must detail how potential spills in this area will be managed in order to prevent pollution.

The Applicant should be aware that due to the proposed storage of dangerous goods at the Road Resource Centre, prior to commencement of any operations, the EPA would require a report to be submitted certifying that the final layout and design of the Road Resource Centre as constructed meets the specifications and requirements outlined in:

- AS 1940 *The storage and handling of flammable and combustible liquids*; and
- AS 3780 *The storage and handling of corrosive substances*.

### Standards for Managing Construction & Demolition Waste

It is a requirement under part 8A of the *Protection of the Environment Operations (Waste) Regulation 2014* for waste facilities which receive construction and demolition waste to comply with '*the Standards for managing construction waste in NSW*' (**the Standards**). The Standards were developed and implemented to ensure that waste facilities handling construction waste implement appropriate processes and procedures to minimise the risk of harm to human health and the environment posed by asbestos and other contaminants found in the waste.

The SEARs advised that the EIS should demonstrate how compliance with the Standards will be achieved. The EIS does not demonstrate how operations at the Road Resource Centre will ensure compliance and only states that the Standards are noted and that the Operational Environmental Management Plan will include measures to ensure compliance. This is insufficient and the Applicant must provide detailed information as to how compliance with the Standards will be achieved at the site in order to minimise the risk to human health and the environment including the tip and spread area and inspection checkpoints.

### Fire Safety Guideline

Fire and Rescue NSW recently developed the '*Fire safety guideline – Fire safety in waste facilities*' (**the Fire Safety Guideline**), dated 23 October 2019. The Fire Safety Guideline was developed as waste facilities are at greater risk of fire related incidents. Any fire involving a waste facility can cause a significant pollution incident. The Fire Safety Guideline is applicable to any waste facility within NSW involved in the storage, processing or resource recovery of combustible waste material.

The EPA stated in the SEARs that the EIS should demonstrate how the Proposal will ensure compliance with the Fire Safety Guideline. This has not been addressed at all within the EIS and no information has been provided regarding how the construction and operation of the Road Resource Centre will ensure compliance with the Fire Safety Guideline.

The Applicant must establish how the Proposal will meet relevant requirements within the Fire Safety Guideline in order to minimise the risk of fire at the facilities.

### Western Area Remediation Project (SSD-9302)

The EPA understands that the Premises is located in the western area of the former Shell Clyde's oil refinery. The land occupied by former Shell Clyde's oil refinery is declared as significantly contaminated land under section 11 of the Contaminated Land Management Act 1997 and is subject to a preliminary investigation order issued by the EPA. Furthermore, the western area of the former Shell Clyde refinery is being remediated under the Western Area Remediation Project (**WARP**) under SSD-9302 to make it suitable for future industrial/commercial use. Viva was the applicant for SSD-9302 and the EPA understands Viva is the current owner of the Premises.

The EPA notes that consent conditions B7, B8, B9, and B10 of the WARP under SSD-9302 state the following:

B7. Within 12 months of the completion of demobilisation, or as otherwise agreed with the Planning Secretary, the Site Auditor must submit a Site Audit Report and Section A, Site Audit Statement to the EPA, Council and the Planning Secretary. The reports must be prepared in accordance with relevant guidelines produced or approved under the CLM Act and must confirm:

- (a) the Remediation works approved under this consent have been completed in accordance with the remediation objectives listed in the Detailed RAP;
- (b) the risks to human health and the environment have been addressed in accordance with the objectives of the Detailed RAP.

B8. Prior to the finalisation of the Site Audit Statement and Site Audit Report, required by Condition B6, the Applicant must prepare a Long Term Environmental Management Plan (LTEMP) for the development, to the satisfaction of the Site Auditor and the Planning Secretary.

B9: The LTEMP must:

- (a) be prepared in consultation with Council and the EPA;
- (b) identify where the LTEMP applies and who is responsible for implementing the LTEMP;
- (c) detail how the LTEMP will be implemented, including corrective actions and reporting requirements;
- (d) recommend any systems/controls to be implemented to minimise the potential for any material harm;
- (e) include a groundwater monitoring program to verify natural attenuation is occurring over time, consistent with the requirements of condition B21;
- (f) include biodiversity management measures for the Green and Golden Bell Frog, consistent with the *Revised Plan of Management: Restoration of Green and Golden Bell Frog Habitat, Clyde Terminal, January 2019*, or its latest version;
- (g) detail procedures for managing and monitoring any remaining contamination, including triggers that would indicate if further management or remediation is required;
- (h) detail procedures for managing and monitoring any remaining contamination that has potential for off-site migration so that it does not present an unacceptable risk to either the on-site or off-site environment;
- (i) include measures to be implemented if any parts of the remediated area are required to be physically disturbed;
- (j) describe any required planning controls for future development that may interact with any remaining contamination at depth;
- (k) incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards;
- (l) include mechanisms to report results to Council and the EPA;
- (m) be written in plain language to be understood by all personnel involved in the maintenance activities on the site.

B10. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:

- (a) implement the approved LTEMP;

- (b) provide evidence to the Planning Secretary that the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act.

The EPA is aware that Viva is proposing to undertake the remediation works for the WARP in three stages. The EIS states a detailed remedial action plan has been developed for the Stage 1 area of the development, however a detailed remediation scope has not yet been finalised for the Stage 2 area. The detailed remediation scope for Stage 2 will be presented in a subsequent detailed remedial action plan and a proposed scope of remediation is outlined in Table 8.6 of the EIS. The EPA notes that works related to Stage 3 have not been discussed in detail in the EIS. The EIS states the Stage 3 area is excluded from the Proposal.

The Proposal involves the subdivision of the Premises into eight lots to form the Central Sydney Industrial Estate which includes the Road Resource Centre on proposed lot 6. The EPA understands that it is possible, that following the subdivision, different entities will own each parcel of land. The EPA understands that Downer EDI Works Pty Ltd (**Downer**) intends to purchase lot 6 for the construction and operation of the Road Resource Centre.

The Applicant must clarify who will be responsible for SSD-9302 WARP consent conditions B7, B8, B9, and B10, including the proposed lot 6 which is proposed to be owned by Downer. The Applicant must advise how adherence to conditions B7, B8, B9, and B10 will be managed.

#### Road Resource Centre Works

As stated above, the EPA understands that Downer intends to purchase lot 6 for the construction and operation of the Road Resource Centre. However, Downer is not the Applicant for the Proposal which incorporates the Road Resource Centre and is not the current owner of the Premises. The EIS proposes works to be conducted for the creation of the Central Sydney Industrial Estate which is inclusive of lot 6. The EIS also outlines works specific to the construction of the Road Resource Centre.

The EPA requires the Applicant to provide information regarding the agreement of the purchase of lot 6 with Downer and when this is proposed to occur.

It is not made clear in the EIS who is going to be responsible for which of the proposed works at lot 6. The EPA requires the Applicant to provide clarity regarding the responsibility for the works at proposed lot 6.