



6 November 2020

Mr Jordan Rodgers  
Group Property & Development Manager  
Sell & Parker Pty Ltd  
11 Meadow Way  
Banksmeadow NSW 2019

Dear Mr Rodgers,

**Kings Park Metal Recovery and Recycling Facility Expansion (SSD-10396)  
Request for Additional Information**

I refer to the Department's request for a Response to Submissions report (RtS) dated 30 October 2020. The Department has subsequently finalised its review of the Environmental Impact Statement (EIS) prepared to support the above application.

The Department's review and the submissions received during the exhibition period from the Environment Protection Authority (EPA) and the general public, have identified noise as a key issue with the proposed development. However, the Department notes the EIS indicates that additional noise mitigation and management measures are not proposed as part of the application. The noise assessment and proposed mitigation measures for the proposed development need to be reviewed, particularly in light of the number of noise concerns raised in the public submissions, and the technical issues identified by the EPA and the Department.

The Department requires you include a response to the noise concerns and other issues raised in **Attachment 1**, along with those identified in previous correspondence dated 30 October 2020, in your RtS, in accordance with clause 82(2) of the Environmental Planning and Assessment Regulation 2000.

If you have any questions, please contact Sheelagh Laguna on 02 9274 6574 or via email at [sheelagh.laguna@planning.nsw.gov.au](mailto:sheelagh.laguna@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

6 November 2020

Chris Ritchie  
**Director, Industry Assessments**  
**Planning & Assessment**

## ATTACHMENT 1

### Landowner's consent

- The Department notes the existing facility (SSD 5041) is operated by Sell & Parker (the Applicant) and is located on land owned by Trusts associated with the owners of Sell & Parker. Please clarify if landowner's consent is required, and if not, reasons why it is not required. If landowner's consent is required, please provide.

### General

- The Department notes the community and EPA concerns regarding noise and air quality impacts from the existing operations. It is noted that no additional mitigation and management measures are proposed for the current proposal (SSD 10396). As such, please provide further information demonstrating why and how the existing management measures can be relied upon to mitigate environmental impacts (in particular for noise and air) from the expanded operations.
- It is stated in the EIS that stockpile volumes would not increase as a result of this development. Please confirm what measures would be put in place to monitor stockpile size and ensure the volumes remain the same as approved by SSD 5041 MOD 3.
- The EIS states that the development would help meet higher recycling standards prescribed by China's National Sword Policy. Please explain how the proposal would help meet higher recycling standards given there are no processing changes proposed.
- It is noted the site has three weighbridges: one entry, one exit and one adjacent to one of the shears. Please explain the purpose of the central weighbridge. If its use is associated with the central entry (non-ferrous material), please explain why its use is not shown on the swept path analysis for those vehicles using the central entrance.
- NearMaps shows that a number of skip bins and truck trays are located to the south of the post shredder processing building, in the location of a number of the proposed stacking spaces and as such within proposed paths of vehicles. Please clarify the purpose of these skip bins and truck trays and whether they will be moved prior to the commencement of any expanded operations and if so, where will they be moved to?
- According to the processing flow-chart, Figure 2-5, the oxycutter feeds into the shear. As such, please explain why the oxycutter capacity has been added to the shear capacity in Table 2-3 when it appears they would be acting in sequence.
- The flood assessment states that the increased processing capacity would be achieved by extending the daily operation time, yet elsewhere in the EIS it is stated that operating hours would not change. Please confirm whether the operating hours would be changing and if the assessment covers these changes.
- The assessment for SSD 5041 identified that additional operation of the hammer mill may increase the frequency of explosions. Please demonstrate why this is not applicable to the current proposal.

### Capacity

- More information is required to explain the difference between the approved project (SSD 5041) and the proposed development (SSD 10396) in terms of operational practices. Noting the Department's earlier request, the EIS still hasn't clearly articulated how the site will almost double the development's capacity with no other changes, including no changes in hours of operation. That is, please describe exactly what changes to operational practices would be applied, how they are different from what has already been approved and quantify how the changes would increase the volume of waste processed.
- Table 2-3 in the EIS provides a summary of processing capacity for the plant equipment. Please also provide a breakdown showing what the plant is processing currently to demonstrate how the increase in overall capacity would be achieved.

### Noise

- Table 6-8 in the EIS contains responses to the community's concerns raised during consultation. The response to noise concerns is to introduce beeper-less signals and improved fencing. Please describe the improved fencing and determine the reduction in noise levels the fencing would provide.
- Representative assessment locations:
  - The Department recognises that the EPA's Noise Policy for Industry (NPfI) requires an assessment to be undertaken only at the reasonably most-affected location. However, as the

- NVIA appears to only have presented predicted operational noise levels at one (1) receiver location due east of the site, it is not clear if Location R1 is indeed the most-affected location in the Blacktown catchment area. Please provide noise contours showing the range of predicted operational noise levels for residential receivers from Sunnyholt Road to the highest location above sea level along Anthony Street, covering an assessment radius of around 700 metres from the eastern site boundary.
- Please provide comment on the variation in  $L_{A90}$  background noise levels across the Blacktown catchment area and whether the project noise trigger levels applied to R1 can be applied to residences along Anthony Street (east of Charles Street). Intrusiveness noise levels may need to be revised subject to confirming the reasonably most-affected location in the Blacktown area.
  - The Blacktown residential area bounded by Vardys Road, Sunnyholt Road and the Western Rail Line is largely R2 zoning (low density residential). Suburban noise amenity area would apply to this area based on the guidance established in NPfI. Please provide justification of why the urban amenity noise levels were adopted in the current assessment, noting that the suburban noise amenity area was applied in the NVIA submitted for SSD 5041.
  - Operational noise modelling assumptions:
    - The time-averaged  $L_{Aeq,15min}$  sound power level presented in Table 7.1 of the NVIA appears to be identical to those adopted in the 2014 NVIA assessment (SSD 5041), which seems to also have come from on-site measurements and data from similar projects. According to the NPfI, time-averaged sound levels describe a time varying noise by a single value and would therefore increase or decrease depending on noise peaks and the degree of fluctuation over a specified time period. Please clarify how many tonnes of metal are expected to be processed per 15-minute or per hour for annual throughput limits of 90,000 tpa, 350,000 tpa and 600,000 tpa. Further, please include the on-site sound power level measurement survey (incl. measurement methodology, process/activity description, processing/production rate, sound pressure and power level data) undertaken to develop the operational noise model within the NVIA.
    - Ground type 'soft' appears to have been adopted to model the effects of sound propagation between sources and receivers. Soft ground in calculation algorithms such as ISO 9613-2 and CONCAWE generally represent uncompacted grassland. Please provide clarification of why 'soft' ground was selected to predict noise levels surrounding the site and whether it would be more appropriate to select 'hard' ground.
    - It is noted that a prevailing wind condition of 3 m/s was modelled as a feature of the area for R1 in the 2014 NVIA (SSD 5041). It is not clear why the prevailing wind condition has not been applied to residential receivers in the Blacktown area in the 2020 NVIA. Further, it is not clear how the meteorological data at the Horsley Park Equestrian Centre was applied to represent local conditions in the Blacktown locality. Please, at a minimum, provide wind rose plots and an accompanying analysis/discussion.
    - It is noted that the enhancing effect of temperature inversion on sound propagation was not considered in the NVIA on the basis that the site is situated within an industrial complex with a surrounding urban locality. However, it would appear that the supporting scientific evidence is missing from the NVIA document. Please provide either measurements of inversion parameters or a prediction of wind and temperature profiles in the locality. In the absence of supporting evidence, Factsheet D of the NPfI states that noise-enhancing meteorological conditions would need to be adopted for all assessment periods for noise impact assessment purposes.
    - Given the site is already operational and the proposal does not involve physical works, noise modelling of the proposed operations could be validated by measured noise levels in close proximity to the site and at some key residential locations surrounding the site. It is not clear why measurements were not undertaken to check the validity of noise predictions. Please address noise model validation.
  - NPfI modifying factors to account for annoying characteristics:
    - The NVIA has not adopted any modifying factors for tonal noise, low-frequency noise, or impulsive noise on the basis of measurements undertaken on site and at other similar metal recycling facilities. Please provide supporting evidence as this information appears to be missing from the NVIA.
    - While Tables 9.5 and 9.7 in the NVIA reported intermittent vibration levels and Table 4.3 (short-term attended measurement results) reported that intermittent noise and loud bangs were heard, there does not appear to be any recognition of site generated noise having intermittent characteristics in the operational noise assessment. Please provide clarification of why the

modifying factor of +5 dB for intermittent noise was not applied for assessing noise between the 6am and 7am shoulder period.

#### Plans

- It is noted that approximately 30 tonnes of ULABs would be accepted and stored on site for transfer to a recycling facility. Please show where ULABs are stored within the non-ferrous shed and describe how often they are transported off site.
- It is noted a plan showing the locations of all waste stockpiles, that is, not including processed waste, has been provided to address Fire and Rescue recommendations. However, as requested previously, please provide a plan showing the locations and sizes of all stockpiles (including processed waste) for operational purposes.
- Please clarify the use of Building A, as Table 2-2 and Figure 2-3 label it as maintenance workshop and non-ferrous shed respectively.
- It is noted that on the site plan the north-western corner of the site contains Building L, a metal awning and 'machinery'. Please clarify what machinery is present at that location.
- Please show and label all plant, including those in buildings, on the site plan.

#### Existing structures

- It is acknowledged that the site operates under SSD 5041 MOD 3 and that the buildings and plant locations and design have been assessed and approved. However, as SSD 10396 is a new application, a description of the existing buildings and plant is required along with any approved plans.

#### Air

- It is noted there is an emissions collection system on the hammer mill. Please describe the emissions collections system and how it controls emissions from the mill.

#### Traffic

- It is noted the assessment identifies peak periods which were used to assess impacts across the scenarios. Please clarify whether these are peak periods for the road network or for the facility.
- It is noted that swept paths have been provided, however, the plans do not include stockpiles. Please update the plans to include stockpiles and ensure the swept path analysis demonstrates that vehicles can safely access the relevant stockpile.
- Table 6.2 in the traffic assessment provides a Stacking Capacity Assessment, however it is unclear whether the number of vehicles accessing the site in an hour represents peak operational periods. If not, please update the table for peak operational periods

#### Fire Hydrant Report

- The fire hydrant report in Appendix K identified numerous non-compliances. However, the EIS states 'The Fire Hydrant Assessment (Appendix K) identified that the existing fire infrastructure on-site would be able to adequately manage fire risks associated with the Proposal without additional alterations'. Please clarify when and how the non-compliances have been or will be addressed.

#### Hazards

It is noted that this SSD proposes to integrate with the existing operation approved under SSD 5041. As such, the Department refers to the original PHA prepared for SSD 5041 by Arriscar in 2014.

- Table 12-2 of the EIS provides information on where some of the Dangerous Goods (DG) are to be located, but it appears the table is incomplete. For example, the locations of oxygen, kerosene, argon and LPG are not provided. As such, please provide:
  - a site layout clearly showing the storage area for each of the DGs stored on the site
  - clarification of whether Class 3 and Combustible liquids (C1) are stored and will continue to be stored within the same bunded area. Please note, if Combustible Liquid (C1) materials are stored together with Class 3 materials, the entire inventory must be considered as Class 3 material. The storage would include tanks, IBCs or small packages with the same bunded area.
- It is noted that oxygen has increased from 3,000 L (as per PHA (2014)) to 16,000 L. Please clarify:
  - whether the oxygen is stored as compressed oxygen or liquified oxygen
  - the methodology used to convert litres of oxygen to kilograms of oxygen

- the controls that would be used for the storage of oxygen.
- It is noted that 50,000 kg of lead would be stored on site. Lead has been classified in the EIS as DG Class 6.1. Please provide information on the type of lead (or lead compound) being stored and the method by which the lead (or lead compound) is made (i.e. is the lead from batteries or other sources). Provide the SDS (or equivalent) of the lead material for the Department to confirm its DG classification.
- The Department does not agree with the EIS's conclusion that the SSD does not trigger SEPP 33 as the dangerous goods quantities are under the threshold requirements. In accordance with 'Applying SEPP 33', the subsidiary risk of a DG material is required to go through the risk screening process. As such, 16,000L of oxygen (Class 2.2 sub risk 5.1) potentially exceeds the DG class 5.1 thresholds of 5 tonnes. Please verify the quantities of Class 2.2 sub risk 5.1, Class 6 and Class 8 materials being or to be stored onsite and assess whether the proposed quantity of materials would trigger SEPP 33. If so, update the original PHA or prepare a new PHA in accordance with Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' and 'Multi-Level Risk Assessment'.