

Your ref: SSD 5041 Mod 1  
File no: MC-11-2620

28 October 2016

Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

**Attention:** Kelly McNicol

Dear Ms McNicol,

**Re: SSD 5041 Mod 1 Section 96(1A) Modification Application for the Kings  
Park Metal Recovery, Processing and Recycling Facility**

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I refer to your correspondence to Council dated 12 October 2016, requesting that Council provide comments in relation to the above Section 96(1A) Modification Application.

The proposal has been reviewed by Council officers and we note that this modification application does not seek any form of increase to the volume of processing or the truck movements to and from the site.

We would appreciate if the following queries are clarified by the Applicant:

1. The actual height of the roofline of the proposed enclosure over the existing plant. The proposal indicates that it is "taller than 10 metres," however the actual building height is to be provided.
2. Details of the external finishes and treatments of the proposed enclosure and acoustic walls to ensure that the development, as viewed from the public domain (from Tattersall Road) does not present as a blank wall. The development is required to comprise methods to assist with breaking up the bulk and scale of this structure, such as different coloured banding on the elevation / wall.
3. The application advises that the Applicant is liaising with the Department of Planning and Environment with regard to Condition B39 Landscaping. Please confirm that the Landscape Management Plan the subject of this condition specifically addresses the protection of existing trees along the street frontage in the vicinity of the proposed enclosure, and that appropriate additional planting is to

be provided to assist with ameliorating the bulk and scale of this structure as viewed from Tattersall Road.

Council's Access and Transport Management Officer advises that the five (5) new "*No Stopping*" signs located along Tattersall Road require separate approval through the Local Traffic Committee process, which is recommended to be imposed as a condition of consent should the Department of Planning and Environment approve this modification application as detailed in **Attachment A**.

Council's Environmental Health officer comments that the enclosure of the plant is expected to result in a positive outcome in terms of addressing ongoing concerns with regard to smoke discharge as a result of the operation of this facility. This issue was raised by the NSW Environmental Protection Agency (EPA) in their correspondence dated 6 August 2015 and 23 December 2015 (copies attached for your reference).

Council's Environmental Health officer does not raise any objection to this proposal, subject to the imposition of a condition of consent should the Department of Planning and Environment approve this modification application as detailed in **Attachment A**.

We look forward to receiving additional information in response to our above queries and would appreciate the opportunity to review the Applicant's response and consider providing further conditions of consent, if appropriate.

If you would like to discuss this matter further, please contact me on 9839 6228.

Yours faithfully,



Judith Portelli  
Manager Development Assessment

## **ATTACHMENT A**

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Recommended Conditions of Consent:

### **Environmental Health - New Condition:**

#### **Noise Assessment Validation**

At the completion of the construction of the acoustic wall and prior to the issue of any Occupation Certificate, a Validation Report is to be prepared by a suitably qualified acoustic consultant which verifies that the relevant noise and vibration criteria are met during the operation of the development. A copy of this Validation Report is to be submitted to Council.

### **Access and Transport Management – New Condition:**

#### **Approval from the Local Traffic Committee**

Approval is required to be obtained from the Local Traffic Committee prior to the erection of the five (5) new “*No Stopping*” signs located along Tattersall Road.



ENVIRONMENT PROTECTION AUTHORITY

145254/3

WOODSD

DOC15/301217

The General Manager  
Blacktown City Council  
PO Box 63  
BLACKTOWN NSW 2148

**BY ELECTRONIC MAIL and  
STANDARD POST**

Dear Sir

**Complaints from Council about Sell & Parker Pty Ltd at 45 Tattersall Rd, Kings Park**

We refer to ten complaints made by Blacktown City Council (Council) to the NSW Environment Protection Authority (EPA) since 25 June 2015 alleging air pollution and fires at the scrap metal facility operated by Sell & Parker Pty Ltd at 45 Tattersall Road, Kings Park (the Premises).

Sell & Parker Pty Ltd currently hold Environment Protection Licence No. 11555 issued by the EPA under the *Protection of the Environment Operations Act 1997* (the POEO Act). The Licence authorises metallurgical activities (scrap metal processing) using oxy-cutting, hammer-milling, sheering and sorting processes.

We also refer to a telephone conversation between Vanessa Parkes, Council Manager Environmental Services and Alex Bourne, EPA Senior Operations Officer on 5 August 2015.

**Summary of the EPA's regulatory action and position**

The EPA believes that the hammer-mill at the Premises has not been operating in an environmentally satisfactory manner and improvements are and have been required.

The EPA has spent significant resources regulating Sell & Parker Pty Ltd's existing site operations.

Since January 2013, the EPA has received 131 complaints about polluted water, odour, smoke and dust emissions from the facility, with the vast majority of these from an adjacent industrial site operator. During this period the EPA has conducted 40 inspections of the Premises and the surrounding environment to check compliance and verify complaints.

The EPA has taken regulatory action against Sell & Parker Pty Ltd, issuing a Clean Up Notice and a Penalty Notice for \$1,500 for a water pollution incident on 11 November 2013, caused by a breach of a condition of Environment Protection Licence 11555. The EPA is currently investigating two air pollution incidents at the Premises.

The EPA considers the current impact of the hammermill's operation on local air quality to be unacceptable.

There is a current development proposal (SSD-5041) with the Department of Planning and Environment for expansion of activities at the Premises. As part of the development proposal, Sell & Parker Pty Ltd propose to invest significantly in air and water quality infrastructure improvements.

The latest documents reviewed by the EPA show that this will result in emission levels that are within EPA endorsed guidelines.

Sell & Parker Pty Ltd have committed to implementing interim air quality control measures over the next few months to address the air quality impacts.

Further detail about the development proposal and interim measures are outlined below.

### **Complaints from Blacktown City Council**

The EPA and its officers have always encouraged the reporting of pollution incidents to its Environment Line on 131 555.

On multiple occasions, officers of Council have reported that the Premises was on fire or appeared to be on fire. When asked, the reporting officers declined to provide the details of the Council officer providing the reports, stating that the informant refuses to report directly to the EPA.

The EPA investigated the Council's reports of fire and found that no fires had occurred.

On two occasions, EPA Senior Operations Officer Alex Bourne has contacted Council staff following the unsubstantiated reports of fire. Mr Bourne outlined the importance of not reporting inference as observation or fact, as it is misleading. Mr Bourne also explained the facility's operations, EPA's actions and future development proposal, and offered to speak to the informant at Council directly and confidentially, however the offer was not accepted.

Subsequently, on 5 August 2015 Mr Bourne was contacted by Vanessa Parkes, Manager Environmental Services at Council where the EPA's position was again explained.

If Council believes any site is on fire, it should report the fire to 000 immediately. If the site is licensed by the EPA, contact the EPA immediately after notifying Fire and Rescue New South Wales (FRNSW). Please note that FRNSW are able to recover costs associated with false reports of fire.

Council is welcome to continue reporting details of any pollution observed from the Premises to the Environment Line on 131 555.

### **Current development consent**

We also refer to Land and Environment Court Proceedings No. 10336 of 2013 – Application to modify Development Consent DA 99/7797 in which Sell & Parker Pty Ltd applied to remove condition No. 2 from DA 99/7797.

The EPA was of the opinion that condition No. 2 was integral in the operation of the activity, and that the purpose of this condition was to ensure that the use of the hammermill would cease if the activity was not able to take place without impacting neighbouring properties.

We note that Council agreed to the removal of condition No.2 of DA99/7797 in 2013, the EPA asked Council to undertake a detailed review of the development consent and conduct an inspection of the Premises to determine compliance with its consent. To my knowledge and to date, the EPA has not received a response to that.

### **Proposed Development SSD-5041**

Since 2014, the EPA has been providing advice to the Department of Planning and Environment about SSD-5041. The original proposed development sought a significant increase in the amount of material being processed per annum, without any air pollution mitigation measures and inadequate water pollution mitigation measures. The proposal predicted exceedances to air and water quality guidelines.

We note that Council provided a submission to the Department of Planning and Environment, raising no objection to the proposal.

In response to the EPA's refusal to support the development without Sell & Parker Pty Ltd addressing the pollution issues, it produced further submissions that were provided to EPA on 3 July 2015, for review and comment.

The latest proposal incorporates significant improvements to the air and water quality management systems. The proposed development states that all air pollutants will be in compliance with the relevant EPA criteria and Sell & Parker Pty Ltd commit to installation of ambient dust monitors for real time control of dust generating activities.

Specific details of the proposal can be found on the Department of Planning and Environment's website:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5041](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5041)

### **Interim Air Quality Control Measures**

While the proposed development SSD-5041 will now incorporate significant air and water quality management systems, the EPA has had ongoing discussions and negotiations with Sell & Parker to commit to interim air quality measures.

In a letter to the EPA on 26 June 2015, Sell & Parker outlined measures that have been and are being implemented that include:

- the installation of new fencing extensions;
- fitting water spray bay at infeed, C2 and C3;
- commissioning a shredder emission scrubbing system that is proposed to be fully operational by the end of November 2015;
- replacement of water injection system controls;
- increased number of shuts between magnets and C2 to reduce dust; and
- reengineered conveyor protection and chutes on CD5 to reduce spillage and dust.

### **Ongoing Co-operation**

The EPA and its officers are committed to the ongoing regulation of the Sell & Parker facility at Kings Park and the EPA welcomes any input Council would like to offer.

Should officers of Council observe pollution leaving the Premises, please report the incident to the Environment Line on 131 555, describing the observations. I appreciate your Council's assistance in this matter.

Should you have any further enquiries about the above please contact Alex Bourne on 02 9995 5595.

Yours sincerely



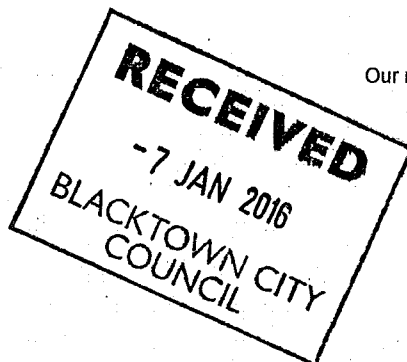
6 AUGUST 2015

**CHRIS MCELWAIN**  
**Senior Manager Waste Compliance**  
**Environment Protection Authority**

145254/5

TURNER

The General Manager  
Blacktown City Council  
PO Box 63  
BLACKTOWN NSW 2148



Our reference

DOC15/528226

Attention: Vanessa Parkes – Manager Environment

23 December 2015

**STANDARD POST**

Dear Ms Parkes

**Sell & Parker Pty Ltd – 45 Tattersall Rd, Kings Park**

I refer to the letter from Blacktown City Council to the Environment Protection Authority (EPA) dated 16 October 2015 about the scrap metal facility operated by Sell & Parker Pty Ltd at 45 Tattersall Road, Kings Park.

As you would know, Sell & Parker Pty Ltd holds Environment Protection Licence No. 11555 issued under the *Protection of the Environment Operations Act 1997* ("POEO Act") for scheduled activities at the premises.

The EPA sent a letter to council dated 6 August 2015, which provided an update about our regulatory action. Since sending the letter, the EPA has continued its regulation of Sell & Parker's activities. We have inspected the premises and met with their Environmental Manager. The EPA issued a Penalty Notice to Sell & Parker Pty Ltd for \$8,000 for the emission of odours on 19 November 2014. We also issued Sell & Parker an Official Caution for air pollution from a fire, which was caused by maintenance of the hammermill on 29 November 2014.

**Response to Blacktown City Council's Camera Surveillance**

While the images provided by council appear to show emissions being generated on-site by Sell & Parker, they do not clearly show emissions outside the boundary of the premises, or what activities were being carried out, or what action was being taken by the licensee to minimise emissions. As such, the images alone fall short of the burden of proof required to demonstrate non-compliance with licence conditions and air pollution provisions under the POEO Act.

The EPA shares your concern for the potential air quality impacts caused by Sell & Parker's activities and will continue to follow up on the matter. It may be of assistance if council could clarify the date and time each image was taken as it appears the date stamp, when present, switches between DD/MM/YYYY and MM/DD/YYYY.

Sell & Parker are currently operating under two development consents issued by council (DA-96-305) and the Land and Environment Court (File No. 10204 of 2000). Should council believe that Sell & Parker are operating in breach of their current consents, council may be able to take regulatory action under the *Environmental Planning and Assessment Act, 1979*.

**Proposal to expand the facility - SSD-5041**

The EPA considers that the operation of the hammermill requires improvement to reduce potential impacts on local air quality. We have been working closely with the Department of Planning and Environment (DP&E) to ensure that the proposal to expand the facility's operations (SSD-5041) includes appropriate air quality control measures.

On 12 November 2015 DP&E approved SSD-5041. When the consent becomes active and the construction certificates issued, Sell & Parker will have to surrender the two current consents.

The approved development incorporates significant improvements to the air and water quality management systems. The development application states that all air pollutants will be in compliance with the relevant EPA criteria and Sell & Parker have committed to installing ambient dust monitors for real time control of dust generating activities.

Specific details of the proposal can be found on the DP&E's website at [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5041](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5041)

We understand that the improved air quality control measures are currently in the process of being implemented at the premises.

**Complaints about neighbouring facility – Pick 'n Payless**

On 21 October 2015, Sell & Parker wrote to council and EPA about Pick 'n Payless, the neighbouring motor vehicle dismantling facility regulated by council. They reported concerns about potential contamination of Breakfast Creek with hydrocarbons and other chemicals associated with the motor vehicle dismantling activity.

As council is the appropriate regulatory authority, the EPA requests advice on any outcomes from council's review of the report and any investigations that followed.

**Ongoing Regulation of Sell & Parker**

The EPA and its officers are committed to the ongoing regulation of the Sell & Parker facility. Should council officers observe pollution leaving the premises, they can report the incident to the Environment Line on 131 555.

Should you have any further enquiries about the above please contact Alex Bourne on 02 9995 5595.

Yours sincerely



**LESLEY CORKILL**  
**Unit Head Waste Compliance**  
**Environment Protection Authority**