

29 October 2020

Our Ref: HSK:AUT003/4006

The NSW Department of Planning, Industry and
Environment
Attention: Emma Barnet
320 Pitt Street
SYDNEY NSW 2000

Dear Ms Barnet

Objection to Proposed waste collection, treatment and disposal Facility (SSD 10396) at 23-43 and 45 Tattersall Road, Kings Park NSW 2148

1. Introduction

- 1.1 We act for Autorecyclers Pty Ltd (**AR**) and make this submission on their behalf objecting to the State Significant Development (**SSD**) Application lodged by Sell and Parker Pty Ltd (**Proponent**) for the expansion of throughput of an existing resource recovery facility from 350,000 to 600,000 tonnes per annum (**tpa**) of scrap metal (**SSD 10396**) (**the Proposal**) at the 'Sell & Parker' site, at 23-43 and 45 Tattersall Road, Kings Park (**Proposal Site**).
- 1.2 AR own the adjacent site at 56-69 Tattersall Road, Kings Park (**AR Site**) and currently operate a metal recovery, processing and recycling facility. AR object to the Proposal and considers that approval should not be granted to it for the reasons set out in this submission.
- 1.3 Approval for the Proposal cannot be granted if the Proponent has not undertaken an adequate assessment of the likely impacts of the Proposal and therefore cannot meet the relevant objects of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The purpose of this objection is to provide a robust review of the Proposal, to highlight where the Proposal cannot meet the objectives of the EP&A Act and to also identify where there are inadequate assessments of the likely impacts of the Proposal. If an inadequate assessment of the likely impacts of the Proposal has been undertaken this raises serious concerns that a proper evaluation of the Proposal cannot be undertaken as required under section 4.15 of the EP&A Act, and this would also raise serious concerns as to whether all relevant considerations have been taken into account.
- 1.4 This objection has been prepared on the basis of a review of the EIS prepared by Arcadis dated 17 September 2020, and associated technical reports and plans placed on public exhibition for SSD 10396 (**Proponent's EIS**). Peer review of specific technical reports has also been undertaken by experts engaged on behalf of AR and also form the basis of this objection.

1.5 Copies of the technical reviews are at appendix A-D of this letter, namely:

- A) Traffic Report, prepared by *Positive Traffic* dated 28 October 2020 (**Positive Traffic Review**);
- B) Acoustic Technical Review, prepared by *Day Design* dated 29 October 2020 (**Day Design Review**);
- C) Air Quality Review, prepared by *Todoroski* dated 28 October 2020 (**Todoroski Review**); and
- D) Planning Review, prepared by *Ethos Urban* dated 29 October 2020 (**Ethos Review**).

1.6 The peer reviews of the technical reports, as referred to above, have outlined serious inadequacies in the assessments undertaken in respect the Proposal, and these inadequacies raise significant concerns that an adequate assessment and evaluation of the Proposal cannot be properly undertaken.

1.7 As a result of the inadequacy of the assessments undertaken and the issues raised in this submission, it is submitted that consent cannot be granted in respect to the Proposal.

2. Issues

2.1 Objects of the EP&A Act

Clause 1.3 of the EP&A Act outlines the object of the Act which provides a guiding framework within which the Proposal is to be considered. Clause 1.3 (c) relevantly provides that one of the objects of the Act is *to promote orderly and economic use and development of land*.

The Proposal would not promote the orderly and economic use and development of land, but rather an over intensification of the use of the Proposal Site. As outlined in the Ethos Review, the Proposal increases the current throughput by up to 71%, and it is questionable if the Proposal Site operations could support the proposed increase in processing activities without any development works. It is recommended that this claim by the Proponent should be scrutinise closely by the Department of Planning Industry and Environment (DPIE) and regulatory authorities.

At page 32 of the Proponent's EIS is a summary of the capacity for the plant and equipment which highlights that in order to meet the maximum output that consistent operations would be required for the duration of the allowable operating hours. From an operational perspective, there are concerns that it would be extremely difficult and indeed unlikely that an additional 250,000 tpa could be processed without any changes to the current equipment, hours of operation, any increase in employees or allowing for adequate respite time.

Further, as stated on page 2 of the Ethos Review it would not be consistent with the expectations of the surrounding community for the plant and equipment to operate consistently due to the concern that there would be adverse noise impacts in such an urbanised area. It is entirely reasonable to expect respite periods of operational activities of this nature. As raised in the Ethos Review if there is consistent operation during normal day time hours, extending maintenance time into the night-time and early morning periods between 9pm and 6am which would cause greater noise issues for the surrounding community.

The concern is that the significant increase in operations and the use of the Proposal Site would become result in disorderly, unsafe, and an unsustainable use of the Proposal Site in order to meet the capacity sought through the significant increase of throughput. The Proposal therefore would not meet the objects of the Act as stated in section 1.3 (c) of the EP&A Act.

2.2 Impacts of the Proposal

Section 4.15(1) of the EP&A Act provides the relevant matters for consideration in determining a development application. Specifically, section 4.15(1)(b) of the EP&A Act in part provides that a matter for consideration includes the likely impacts of the development on both the natural and built environments.

The peer review of the technical reports at appendices A -D raise the inadequacies in respect to the assessments undertaken and therefore the likely impacts of the development cannot be adequately assessed. A further summary of the inadequacies is provided further at part 3 in this letter of objection.

In light of the concerns raised in respect to the technical inadequacies of the technical reports which accompany the Proponent's EIS, the likely impacts cannot be properly considered and therefore a proper evaluation of the Proposal cannot be undertaken, and therefore consent cannot be granted.

2.3 Need for the Proposal and the China Sword Policy

The Proponent relies on the China Sword Policy (**CSP**) as a reason for the need for the Proposal. The CSP is not a relevant matter for evaluation and consideration under section 4.15 of the EP&A Act. The China Sword Policy (**CSP**) relates to improvements in the standards for waste material exported to China. The Proposal does not propose any changes to the plant or equipment in order to assist in meeting these higher standards, nor does the Proposal identify how to improve the quality of recycled materials or how it will process new types of waste metals in order to meet the higher standards than what is already approved. The Proponent reiterates throughout the EIS that the Proposal relates to an increase in throughput, would not require any construction works and would not change the mix of materials currently received (EIS p 7). An increase in throughput does not in and of itself show that the Proposal will meet the higher standards for waste material as prescribed by the CSP.

2.4 Cumulative Impacts

There is a lack of appropriate detail in respect to the cumulative impacts of the Proposal at section 19 of the Proponent's EIS. There are also inadequacies in the Proponent's expert reports in respect to the Proposal. As a result, the cumulative impacts of the Proposal have not been adequately assessed.

This position is further supported by the following:

- On page 4 of the SEARs for the Proposal, the Proponent is required to consider the cumulative impacts at key intersections. As noted on page 4 of the Positive Traffic Review, the Proponent has provided an inadequate assessment of future traffic conditions by failing to take into consideration how the current COVID pandemic has effected traffic modelling when undertaking the traffic analysis and an assessment of the cumulative traffic impacts that the Proposal would have on the surrounding traffic network has not been adequately undertaken.
- The Day Design Review highlights the inadequacies in the data set used in the Noise Impact Assessment prepared by Renzo Tonin and Associates dated 30 July 2020 and as a result a proper assessment of the cumulative impacts of the Proposal in respect to noise has not been undertaken.
- As noted on page 3 of Todoroski Review, the cumulative assessment is inadequate as it uses inconsistent meteorological data and it fails to demonstrate that the Proposal would not result in any additional exceedances as the report does not cover a large enough period to demonstrate that there is no potential for cumulative impacts to occur. The predicted cumulative impacts of the Proposal to air quality (as outlined in Table 17 on page 52 of the AQIA) fails to accurately consider existing or proposed neighbouring operations.

2.5 Fire order and relocation of pre-shredder

During the assessment for SSD 5041 MOD 1 Fire and Rescue NSW (**FRNSW**) identified the Proposal Site to be a "special hazard" under clause E1.10 of the National Construction Code (**NCC**).

E.10 of the NCC relevantly provides that suitable additional provision must be made if special problems of fighting fire could arise because of the nature or quantity of materials stored, displayed or used in a building or on the allotment; or the location of the building in relation to a water supply for fire-fighting purposes.

FRNSW attended the Proposal Site on two occasions over the past 5 years in 2014 and 2017 in respect to fires on the Proposal Site. The most recent fire event took over 20 hours to extinguish and required water to be trucked to the Proposal Site. The Department in consultation with FRNSW issued the Proponent with the Fire Order on 17 January 2018 (**Fire Order**) which required the Proponent to implement a number of fire safety measures.

The modification assessment report dated May 2019 in respect to the SSD 5041 MOD 3, states that there were outstanding aspects of the Fire Order in respect to the approved pre-shredder location and that in order to address the fire safety issues an updated site plan showing the location of the approved pre-shredder was provided as part of MOD 3.

On page 19 of the EIS it is stated that the relocation of the pre-shredder as approved under SSD 5041 MOD 3 has been partially constructed at the approved location however there have been delays and the pre-shredder in its existing location remains operational. Due to fire safety concerns and potential breach of the MOD 3 the proponent should ensure that the pre-shredder will be relocated and ready for operations well in advance of any consent being granted. Furthermore, the Proponent should discontinue using the pre-shredder in its current location until the pre-shredder is relocated to the appropriate area as required under the SSD 5041 MOD 3 to mitigate any potential harm from fire.

2.6 Fire Hydrant Assessment Report prepared by Sparks (FHAR)

The FHAR acknowledges that the fire brigade access, stockpile assessment and water containment strategy are not assessed in this report. As there are significant concerns in respect to the fire safety issues regarding stockpiling of material on the Proposal Site, a proper assessment should be undertaken considering these issues and the potential risk of fire from the stockpiling of material.

The FHAR states that the existing Fire Hydrant Booster Assembly does not comply to the required standard – AS2419.1-2005. The EIS fails to acknowledge and provide mitigation measures for the following fire safety non-compliances as outlined on pages 9-22 of the FHAR, namely:

1. The existing booster valves are not secure or locked in the open position.
2. The existing booster inlet pipes do not have an isolation valve downstream of the booster inlets. Booster inlet pipes are required to have an isolation valve if the head of the inlets can be greater than 50kPa due to the pumps running.
3. No signage to identify the booster assemblies in accordance with clause 7.10 of AS2149.1-2005.
4. Fire Hydrant Block plan has incomplete and incorrect information in accordance with clause 7.11 of AS2149.1-2005.
5. The fire brigade hardstand was observed to be non-compliant at the time of inspection due to the fire brigade booster assembly being obstructed by parked cars.
6. Boost and Test Pressure signage is not provided for in the boosters.
7. The existing fire hydrant pump room is non-compliant as it cannot be identified by appropriate signage.
8. FH3 is non-compliant because supports are required to be located no further than 1 metre away from any change in direction or a junction in the pipework. The distance from the last support to the end of any horizontal pipe shall not exceed 1m.

9. FH3 is also non complaint because AS2419.1 requires fire hydrants and pipework to be located so that the fire hydrant system is protected from possible mechanical damage by vehicles. The fire hydrants required to but did not have any protection from physical damage.
10. FH5 is non complaint because AS2419.1 requires fire hydrants and pipework to be located so that the fire hydrant system is protected from possible mechanical damage by vehicles. The fire hydrants required to but did not have any protection from physical damage.
11. FH3, FH 9 and FH19 are not compliant due to the fire hydrant not having protective caps to block debris and other contaminants from entering the pipes.
12. FH6, FH 7, FH14, FH15 and FH16 are not compliant due to the fire hydrant being obstructed by plant equipment.
13. FH22 is non-compliant as it is located at a height less than 750mm.

Based on the above non-compliances, significant improvements will be required to be made to ensure proper fire safety at the Proposal Site and to ensure that there is also no risk to neighbouring sites. These measures should be undertaken as an urgent priority and consent for the Proposal should not be granted until these improvements are made.

2.7 Fit and Proper Person

The current operations at the Proposal Site are not being undertaken in accordance with consents, Environment Protection Licence (EPL) No. 11555, nor in compliance with the *Protection of the Environment Operations Act 1997* (NSW) (POEO Act). The issue that arises is whether the Proponent could be considered a fit and proper person to hold an EPL.

These breaches also raise further concern as to whether the Proponent can undertake proper environmental management of the Proposal Site with a significant increase in throughput capacity if they cannot comply with current approvals and licence conditions. As provided at page 2 of the Ethos Review, non-compliances with existing consents and licences would indicate that the environmental protection measures currently in place at the facility are not adequate to accommodate the proposed more intensive operation of the facility.

Under [s 45](#) of the POEO Act, the regulatory authority (the Environmental Protection Agency (EPA)) is required to take into consideration the following matters as are of relevance when exercising its licencing functions, namely:

“(f) whether the person concerned is a fit and proper person.”

[Section 83](#) of the POEO Act lists factors which the EPA must take into consideration when determining whether a proponent of an EPL is a ‘fit and proper person’, in part, namely:

- whether the body corporate/person has contravened any environment protection legislation.
- the body corporate/persons record of compliance with the environment protection legislation.

The Proponent has been issued with three penalty notices/clean up notices for failing to comply with EPL No. 11555:

1. 4/9/2015 PIN No: 3085777494– For contravening section [129\(3\)](#) of the POEO Act, relating to the emission of offensive odours.
2. 11/3/2014 PIN No: 30857773296 – For contravening section [64\(1\)](#) of the POEO Act, relating to a breach of a condition of the EPL due to excessive noise on the Proposal Site.

3. 18/11/2013 – Clean up notice was issued due to “black liquid discharging from a stormwater outlet that drains from the sediment pond on the Premises...to Breakfast Creek causing water pollution.”

A list of non-compliances are provided in the following table:

Date	Non-Compliance	Breached condition
16/6/20	Late submission of the 'oxy-cutting post commissioning assessment and report'	E1.6
08/10/19	Late submission of the 'post commissioning noise validation report'	E2.3
22/06/18	- Fire in scrap metal stockpile > than 90k tonnes/p.a but <350ktonnes p.a. of scrap metal received prior to final OC	O4.2 L3.2 and L3.3
20/12/17	than 90k tonnes/p.a but <350ktonnes p.a. of scrap metal received prior to final OC	L3.2 and L3.3
09/06/16	<ol style="list-style-type: none"> Underground pipe from retention basin failed resulting in release of water to local waterway. EPA and Council notified. Waterway under active realignment and alteration at time of incident. Pipe filled with concrete and sealed mount of scrap metal processed exceeded the prescribed fee-based activity scale. PA found that the licensee breached section 129 of the POEO Act (offensive odours) on 19 November 2014, and penalty notice issued on 4 September 2015. This breach was also a likely breach of condition O6.1 of the licence. (PIN Issued) A fire occurred in the hammermill on 29 November 2014. 	<ol style="list-style-type: none"> L1.1 A1.2 O6.1 O6.1 and O8.1
25/08/15	Air blast pressure exceeded 120db(L) in hammermill. Unknown ignition source entered hammermill.	L8.1
20/11/13 and 28/11/13	Air blast pressure exceeded 120dB(c) on 20/10/2013 and 28/11/2013 due to unknown fuel entered the hammermill. Further operator training was undertaken to mitigate any adverse effects.	L8.1
31/7/12	Air blast pressure exceeded 120db(L) on 31/7/12	L8.1
22/5/12	Air blast pressure exceeded 120dB(L) in hammermill and pre-shredder due to operator error and faulty equipment. Operators retrained and pre-shredder returned.	L8.1
25/05/10	Air blast pressure exceeded 120db on 25/5/10. Staff trained that when gas vents from pre-shedder, pre-shedder is to be turned off.	L8.1
11/06/08	air blast pressure exceeded 120db(c) on 11/6/8 and 4/8/08	L8.1
10/08/07 and 03/04/08	Airblast pressure level exceeded 120 dB(L) on 10/8/07 & 3/4/08.	L8.1
12/07/07	Airblast pressure level exceeded 120dB(L)	L8.1
19/06/06	<ul style="list-style-type: none"> An incident on 24/6/05 is currently the subject of class 5 proceedings in the land and environment Court. Another incidence on 15/10/05 may also have bearing on these proceedings. On 15 October 2005 the limit attached to L8.1 was exceeded by an explosion in the shredder 	L8.1
01/07/05	Airblast pressure level exceeded 120dB(L) (5 occasions)	L8.1
26/05/04	<ul style="list-style-type: none"> 8/5/03 – explosion in metal shredder exceeding 120db(a) 18/10/03– explosion in metal shredder exceeding 120db(a) 17/11/03 - – explosion in metal shredder exceeding 120db(a) 1/3/04 – explosion in metal shredder exceeding 120db(a) 2/4/04 – explosion in metal shredder exceeding 120db(a) 	L8.1
26/05/03	<ul style="list-style-type: none"> 17/10/02 – exceed airblast overpressure level of 120db(A) 12/11/02 – exceedance of airblast overpressure level of 120db(A) 11/1/03 – exceedance of airblast overpressure level of 120db(A) 24/3/03 – exceedance of airblast overpressure level of 120db(A) 	

In addition to the above notices, the Proponent has a history of breaching Condition L8.1 of the EPL due to a number of explosions on the Proposal Site that have resulted in excessive noise, and which cause actual harm and a risk of harm to the environment (*Environment Protection Agency v Sell & Parker Pty Ltd* [2007] NSWLEC 64 and *Environment Protection Agency v Sell & Parker* [2006] NSWLEC 626). In these cases, the Proponent was charged with offences under section 64(1) of the POEO Act, that being a failure to comply with conditions of a licence. The Proponent plead guilty to these charges and were fined accordingly (in the amounts of \$8,400 and \$7,500).

2.8 OEMPs

The EIS relies heavily on the premise that there are no physical works to be undertaken at the Proposal Site, and only an increase in throughput. As the Proposal relates specifically to an increase in throughput, operations on the Proposal Site will need to respond to that increase in throughput and be appropriately managed to ensure environmental compliance and to mitigate any potential harm.

The Ethos Review on page 1 raises that the Proponent should provide further justification and evidence as to the capacity and suitability of the existing environmental protection and mitigation measures in place at the facility to adequately accommodate the Proposal. This could be by way of technical specifications and other details where appropriate that the environmental protection measures in place at the site are rated to perform at a more intensive level.

Limited to no detail has been provided in respect to the further mitigation measures to be implemented in respect to the OEMPs. The Proposal relies heavily on the OEMPs that relate to the current operations and the Proponent's EIS provides little detail as to the further measures that would be implemented under the OEMPs. Examples can be found at sections 7.4.2, 8.4.2, 9.4.2 and 10.4.2 of the Proponent's EIS.

Appropriate details should be provided in respect of what further measures will be implemented and any justifications as to why no further measures would be implemented other than those already contained in the OEMPs to ensure that appropriate operational measures are implemented.

3. Inadequacy of the technical reports accompanying the Proponent's EIS.

3.1 Air Quality and Odour Impact Assessment prepared by *Northstar Air Quality* dated 6 August 2020 (AQIA)

As outlined in Todoroski Review at page 1, it is stated that there are inconsistencies throughout the AQIA as to which year is applied for the modelling assessment regarding the meteorological data, and therefore it is not possible to determine if the modelling year is representative or not. Further, the AQIA provides only a limited analysis of the wind speed data to select a representative year, and it is not clear if the 2018 dataset has been selected for the assessment. Accordingly, an appropriate statistical analysis of the long-term data is required to clarify a representative year, and to enable an accurate assessment of the impacts the proposed intensified development would have on the air quality.

The AQIA also fails to appropriately consider any effect of emissions to air quality as a result of hauling activities projected on the Proposal Site. Based on the type and scale of the Proposal, it is stated at page 2 of the Todoroski Review that the hauling activities are expected to be a significant source of dust, and as such, this omission in the AQIA report would lead to substantial underpredictions of impacts.

As stated on page 2 of Todoroski Review, the emissions inventory provided in the AQIA does not appear to include variables/ assumptions such as moisture content or mean wind speed. The SEARs requires these details which are considered essential for predicting and assessing site impacts. As stated in the Todoroski Review, without these details, the appropriateness of the emission factors cannot be assessed.

Diesel and exhaust emissions from vehicles and plant have not been considered which would contribute to the incremental and cumulative impact from the operations. The AQIA does not

adequately assess the potential for fume/ particle emissions from this source as required by the SEARs.

As stated in the conclusion of the Todoroski Review, there are significant inadequacies in the AQIA, and as a result it is not possible to properly assess the impacts of the Proposal.

3.2 Noise Impact Assessment prepared by *Renzo Tonin* dated 30 July 2020 (NIA)

As detailed in the Day Design Review, the NIA does not provide adequate short-term noise data to the west of the Proposal Site as data was only obtained from only one noise monitoring location receiver (S2). Long-term noise data recorded from the west of the Proposal Site has also not been obtained. From this, concerns are raised over the Proponent's method for determining the existing background noise levels as Receiver 3.

The background noise, project intrusive noise levels, long-term and short-term ambient noise levels relied upon in the NIA are not consistent with data gathered by Day Design within the area. Based on this, it is stated on Page 3 of the Day Design Review that the *"noise level measures are inadequate to establish the project noise trigger level in this location and should be re-assessed."*

The EPA has acknowledged, during the assessment of nearby developments, that the area surrounding Receiver R3 should have an amenity category of 'Suburban'. Based on this, the Day Design Review B suggests that the data gathered at Receiver R3 is incorrect and should be re-analysed with the correct categorisation in this location.

Page 4 of the Day Design Review confirms that the NIA fails to address the EPA's request for an analysis *"on the existing road traffic noise levels in accordance with the NSW Road Policy."*

The NIA also fails to include a quantitative noise level assessment of the proposed transport/haulage routes. Without this assessment, the existing road traffic noise level from the use of transport routes may cause existing road traffic noise levels to increase by an unreasonable level at some receiver locations.

The Proponent has failed to provide noise contour maps which were requested by the EPA in its Agency Input Letter dated 28 November 2019. These maps should be provided for a proposal of this size (which is anticipated to produce significant levels of noise) to ensure an acceptable assessment is undertaken.

Due to these inadequacies in the NIA, the Day Design Review concludes that the NIA and therefore the Proposal is not acceptable in its current form.

3.3 Traffic Impact Assessment prepared by *TTPP* dated 5 August 2020 (TIA)

As provided in the Positive Traffic Review, the TIA fails to analyse any pre-pandemic traffic conditions and because of this, the modelling is considered deficient in its findings of the potential traffic impacts of the Proposal.

As noted on page 9 of the Positive Traffic Review, TTPP has not consulted with Transport for NSW when preparing the TIA, which remains best practice throughout the COVID19 pandemic. TTPP has failed to accurately determine the projected traffic impacts by not obtaining pre-COVID19 SCATS data from nearby intersections.

The Positive Traffic Review further states that the typical weekday demands on the existing car park is at or near capacity, with all available on-street parking along the frontage of the Proposal Site being occupied. There is also a concern that only 4 car parking spaces would be available for visitors. Considering that there will be an increase in capacity at the Proposal Site, it is also expected that customer demands would increase and that there may be insufficient car parking spaces proposed in the Proposal to accommodate both staff and visitors.

Further, on page 11 of the Positive Traffic Review it is stated that there are no parking demand surveys undertaken and therefore a proper assessment of the parking demand has not been undertaken. It is

also stated on page 11 that the Proposal Site does not appear to provide any accessible parking for either staff or visitors.

Transport for NSW (**TfNSW**) has requested that the Proponent consider measures to maintain road and personal safety in line with the CPTED principles, and this has not been included in the TIA. Further, the Proposal does not include a separate pedestrian/ bicycle access gates, and thus all pedestrians/ cyclists access the Proposal Site through the same exit mixing with large vehicles which is unsafe. A full safety audit of vehicle/ pedestrian access points should be undertaken.

Further, the peak demands of the Proposal Site are likely to occur outside road network peak periods which have not been captured in the TIA. The TIA also provides an inadequate assessment of the potential queuing due to an underestimate of the increase in customers, and that the increase in generated traffic has not been accounted for in the queuing assessment presented in the TIA (see page 12 of the Positive Traffic Review).

The Positive Traffic Review concludes that the TIA submitted as part of the application is not adequate to assess the impacts of the Proposal, and further data would be required before an informed decision on approving the Proposal could be made.

3.4 Greenhouse Gas Assessment, prepared by *Northstar* dated 24 July 2020 (GHG)

On page 11 of the EIS it is noted that the Proposal would result in up to 513 vehicles attending the site per day. This increase in vehicle movements onsite, and the impact on greenhouse gas emissions has not been appropriately addressed. It is not clear from the evidence in the GHG report or the EIS how an increase in vehicle movements and stacking locations on the site would have no impact on greenhouse gas emissions.

In addition to the above, the EIS and GHG report fail to detail the proposed mitigation measures in place for GHG emissions. On pages 15-16 of the GHG report it is acknowledged that *"the facility is likely to have triggered the energy reporting threshold...and is likely to trigger the emissions reporting and energy reporting thresholds."* Based on this, the GHG recommended *"that the Clean Energy Regulator is contact to discuss any obligations under the NGER Act."*

We also note that on page 22 of the GHG report that if approved, the Proposal would increase greenhouse gas emissions by 71% per annum. Although the GHG attempts to justify this 71% increase of greenhouse gas emissions at paragraph 5.2 of the GHG report by comparing the proposed emissions to NSW and Australia's total GHG emissions, the GHG does not demonstrate any mitigation measures or suggest improving infrastructure measures onsite to reduce this proposed increased.

3.5 Stockpile Management Plan Rev 2, prepared by *Sparks* dated 2 September 2020 (SMP)

On page 8 of the Proponent's EIS, it is stated that the stockpile management plan has been updated to *"allow efficient vehicle movements throughout the proposal site."* The SMP states that *"a minimum 6m access around stockpiles"* is proposed by the Proponent. This 6m perimeter fails to meet the requirements under the *Fire Safety Guidelines – Fire Safety in Waste Facilities 2020 (Fire Guidelines)*. Section 8.4.1. of the Fire Guidelines states that the standard width of an external stockpile should be 20m if the fire brigade vehicle access is provided down both sides of the stockpile, and 10m if the access is provided down one side of the stockpile only.

Accordingly, the SMP should be updated to comply with the Fire Guidelines and should also identify the width of the accessways on the plan.

The SMP was prepared without *Sparks* having attended an inspection on the Proposal Site. Based on this, the SMP should be updated to reflect the true and accurate depiction of the existing stockpiles on the site (including the size of those stockpiles in weight as well as dimensions) as well as the proposed stockpiles which the Proponent contends will be capable of storing by-products of the proposed throughputs. The existing stockpile management plan does not demonstrate how the Proposal Site would facilitate storing the 71% increase in incoming scrap material.

The SMP also identifies that '*not all stockpiles will be fully operational or utilised at the same time*'. This is a concern as the Proponent has not, in accordance with the Australian standard 'RIISRM501A' identified in the EIS or within the SMP, which of the stockpiles will be used, when they will be used, and how employees emptying and maintaining the stockpiles will ensure that records and reports are accurately documented.

Another concern with the SMP is the plan's failure to demonstrate how the Proponent's proposed 71% increase scrap capacity (both receiving scrap and processing scrap) will not require any additional stockpiles to those currently in existence and approved under MOD3.

Accordingly, a proper stockpile management has not been prepared for the Proposal.

4. Conclusion

For the reasons outlined above, the Proponent's EIS has failed to properly and accurately assess the impacts of the Proposal. The Proposal does not support the objects of the EP&A Act nor does it provide relevant evaluative considerations as required under the EP&A Act. In addition to this, there are serious concerns as to the Proponent's consistent breaches of licence conditions and conditions of consent and accordingly, doubt is raised as to whether the Proponent would be a fit and proper person to continue to hold an EPL. Furthermore, this highlights a real concern as to whether the Proponent could effectively manage the environmental issues that would arise from a significant increase in operations at the Proposal Site.

Accordingly, consent should not be granted in respect to the Proposal.

Yours faithfully



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APPENDIX A: Traffic Report, prepared by *Positive Traffic* dated 28 October 2020

Our Reference: **PT20102**

Autorecyclers/ Rush Metals
C/O Addisons Lawyers
Level 12, 60 Carrington Street
Sydney, NSW 2000, Australia

28 October 2020

Via email: kate.blunden@addisons.com

State Significant Development Application - SSD-10396
Kings Park Metal Recovery and Recycling Facility Expansion
23-45 Tattersall Road, Kings Park
Independent Peer Review Traffic Report

As requested, we have undertaken an independent review of the Traffic Impact Assessment Report prepared by The Transport Planning Partnership (TPP) dated 5 August 2020 for the proposed expansion of the Kings Park Metal Recovery to receive and process up to 600,000 tonnes of metal waste per annum.

A copy of the traffic report prepared by The Transport Planning Partnership is provided in **Appendix A** of this report.

Independent Reviewer Details

I currently hold the position of Managing Director of Positive Traffic Pty Ltd and have been a practicing traffic engineer / transport planner for approximately 27 years. I possess a Bachelor of Civil Engineering and are an accredited Level 3 Road Safety Auditor.

Planning Secretary's Environmental Assessment Requirements

For ease of reference the requirements of the Planning Secretary which underpinned the traffic report are provided below:

Traffic and Transport – including:

- *details of all traffic types and volumes likely to be generated during construction and operation, including a description of haul routes. Traffic flows are to be shown diagrammatically to a level of detail sufficient for easy interpretation;*
- *plans demonstrating how all vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing can be accommodated on the site to avoid queuing in the street network;*

- *an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections using SIDRA or similar traffic model;*
- *swept path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site;*
- *plans of any proposed road upgrades, infrastructure works or new roads required for the development; and*
- *an assessment of potential impacts on local road pavement lifespan.*

Transport for NSW Requirements

In addition to those requirements required for assessment by the Planning Secretary, Transport for NSW included the following items which were to be addressed in the traffic impact assessment report:

- *details all daily and peak traffic and transport movements likely to be generated (light and heavy vehicle, public transport, pedestrian and cycle trips) during construction and operation of the development*
- *details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the road network located adjacent to the proposed development*
- *an assessment of the operation of existing and future transport networks including public transport, pedestrian and bicycle provisions and their ability to accommodate the forecast number of trips to and from the development;*
- *details the type of heavy vehicles likely to be used (e.g. B-doubles) during the operation of the development and the impacts of heavy vehicles on nearby intersections;*
- *details of access to, from and within the site to/from the local road and strategic (motorway) network including intersection location, design and sight distance (i.e. turning lanes, swept paths, sight distance requirements);*
- *impact of the proposed development on existing and future public transport, walking and cycling infrastructure within and surrounding the site*
- *an assessment of the existing and future performance of key intersections providing access to the site (Sunnyholt Road with Vardys Road and Sunnyholt Road with Tattersall Road) and any upgrades (road/intersections) required as a result of the development;*
- *an assessment of predicted impacts on road safety and the capacity of the road network to accommodate the development;*
- *demonstrate the measures to be implemented to encourage employees of the development to make sustainable travel choices, including walking, cycling, public transport and car sharing*
- *appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network;*
- *details of the proposed number of car parking spaces and compliance with appropriate parking codes and justify the level of car parking provided on the site;*
- *details of access and parking arrangements for emergency vehicles;*
- *detailed plans of the proposed layout of the internal road network and parking provision onsite in accordance with the relevant Australian Standards;*

- *the existing and proposed pedestrian and bicycle routes and end of trip facilities within the vicinity of and surrounding the site and to public transport facilities as well as measures to maintain road and personal safety in line with CPTED principles; and*
- *preparation of a draft Construction Traffic Management Plan which includes:*
 - *details of vehicle routes, number of trucks, hours of operation, access*
- *management and traffic control measures for all stages of construction;*
 - *assessment of cumulative impacts associated with other construction activities;*
 - *an assessment of road safety at key intersections;*
 - *details of anticipated peak hour and daily truck movements to and from the site;*
 - *details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements;*
 - *details of temporary cycling and pedestrian access during constructions;*
 - *an assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic,*
- *pedestrians, cyclists and public transport operations.*
- *To ensure that the above requirements are fully addressed, any study must consider the cumulative traffic impacts associated with the development (and any other known proposed developments in the area). This provides an opportunity to identify a package of traffic and transport infrastructure measures required to support future development (if any). The timing and estimated cost of any infrastructure works should also be identified.*

Proposal Description

The following proposal description is noted from the traffic report¹

The Proposal seeks to increase the material processing throughput limit at the Proposal site from 350,000 tpa to 600,000 tpa.

The existing infrastructure at the Proposal site has the capacity to accommodate the increased throughput. The Proposal would not require any construction works and would not change the mix of materials currently received at the RRF. However, adjustments to site management practices would be required in terms of internal vehicle movements and stacking locations to enable the increased throughput.

The Proposal would utilise existing road infrastructure, other utility installations and stormwater discharge points.

4.2 Hours of Operation

The Proposal would not impact the current approved hours of operation at the Proposal site.

Hours of operation will be maintained as follows:

- *Oxy-acetylene torch cutting: 9:00am – 3:00pm Monday to Saturday, and no works on Sunday and public holidays.*
- *Maintenance and cleaning: 9:00pm – 6:00am Monday to Saturday, 24 hours on Sunday.*
- *All other activities: 6:00am – 9:00pm Monday to Saturday, and no works on Sunday and public holidays.*

¹ 23-43 & 45 Tattersall Road, Kings Park Traffic Impact Assessment - The Transport Planning Partnership 5 August 2020

4.3 Workforce

The Proposal would utilise the current workforce and shift arrangements at the Proposal site.

These will be maintained as follows:

- *Day: 6:00am – 4.30pm, 70 staff*
- *Afternoon: 12:00pm – 10:30pm, 12 staff*
- *Night: 7:00pm – 5:30am, 11 staff.*

The maximum number of staff on-site at any one time will be 79 person due to an overlap of some staff during the shift change over between the day and afternoon shifts.

The Proposal site currently employs a total of 119 staff which will not change as a result of the Proposal.

Independent Peer Review Findings

The following presents a summary of the issues identified with the proposed development on matters pertaining to traffic, access, parking and safety.

Inadequate Assessment of Future Traffic Conditions / Impacts

It is noted that the traffic counts which were undertaken to support the traffic impact assessment report were undertaken during February 2020, during the current COVID pandemic. It is also noted that the traffic report did not undertake any factoring of the counts recorded during the pandemic to account for traffic conditions which occurred prior to the current restrictions and those in force during February 2020.

The lack of any strategy in the TPP traffic report prepared for the project to account for pre-pandemic conditions results in a traffic report that has not adequately accounted for potential traffic volumes on the road network in the future once the pandemic has ended.

Further, these unfactored 2020 volumes formed the basis of all modelling and all pavement assessments in the reports submitted. Thus, the modelling is considered deficient in its findings of the potential traffic impacts of the proposal.

Further, and in our experience with preparing traffic impact assessment reports for other projects during this current pandemic, consultation with Transport for NSW should have occurred to develop and agree to factoring of the February 2020 counts which could be done via a number of sources including historical intersection counts, SCATS counts, Sydney Network Model and other sources to adequately assess both future traffic conditions and the traffic impacts of the proposal.

Inadequate Assessment of Site Peak Traffic Demands

In our experience and as is the case for many industrial parks, the peak servicing periods of industrial developments occurs outside of road network peak periods to maximise the efficiency of the movement of goods to / from the site.

APPENDIX B: Acoustic Technical Review, prepared by *Day Design* dated 29 October 2020



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Rush Metal Recycling
C/- Addisons
Level 12, 60 Carrington Street
Sydney NSW 2000

29 October, 2020

Refer: 6186-7.1L

Attention: Ms Kate Blunden
Telephone: 8915 1092 Email: kate.blunden@addisons.com

Dear Madam,

KINGS PARK METAL RECOVERY & RECYCLING FACILITY EXPANSION
23 - 43 & 45 TATTERSALL ROAD, KINGS PARK, NSW
ACOUSTIC TECHNICAL REVIEW

Day Design has been engaged to provide a technical review of an acoustic report prepared to support the State Significant Development Application (SSD-10396) by Sell and Parker to increase the capacity of the Kings Park Metal Recovery and Recycling Facility at 23-43 and 45 Tattersall Road, Kings Park to receive and process up to 600,000 tonnes of metal waste per annum.

The following documents have formed part of my review:

- Noise Impact Assessment (NIA), document reference *TK653-02F02 Report (r2).docx*, prepared by Renzo Tonin and Associates, dated 30 July 2020;
- State Significant Development – Environmental Impact Statement (EIS) (SEARs No. 10396), Report No 01, prepared by Arcadis, dated 17 September 2020;
- Blacktown City Council SSD 10396 input letter, dated 12 December 2019; and
- Planning Secretary's Environmental Assessment Requirements (SEARs), Application Number SSD-10396, dated 19 December 2019.

I have not attended nor taken any noise level measurements at the Sell and Parker site. However, I have attended and performed several noise level measurements within the vicinity of the Sell and Parker site and the surrounding local area on several occasions.

I did not speak to any employee of Renzo Tonin and Associates during my technical review.



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• OCCUPATIONAL NOISE INVESTIGATION • QUIET PRODUCT DEVELOPMENT#



The scope of the technical review is to provide comment on the methodology, calculations, recommendations and conclusions. I have used the *Association of Australian Acoustical Consultants 'Guideline for Report Writing', Appendix 1 'Environmental Impact/Planning Studies'* as a guide for details that should have been provided in the NIA.

Following a detailed review of the aforementioned documents, I offer the following comments:

1. 'Section 3 Noise sensitive receiver and industrial receivers of the NIA –
 - a. I note bullet point 3 clearly identifies Receiver R1 – 189 Sunnyholt Road, Blacktown as a residential receiver potentially affected by noise from the site.
 - b. I note bullet point 3 clearly identifies Receiver R3 – 3 Railway Road, Marayong as a residential receiver potentially affected by noise from the site.
2. 'Section 4.1 Noise measurement locations' of the NIA –
 - a. I note the two long term noise measurement locations shown in Table 4.1 are located behind the existing 4.2 metre high road side noise barrier – both locations are to the east of the development site.
 - b. I note short term noise level measurements, **only**, were conducted at S2 – 6 Railway Road, Marayong to the west of the development site, ie no long term measurements at S2.
 - c. Table 4.1 states that *'the noise monitoring location was selected to provide a correlation between the long term noise monitoring at Location L1 and the short term noise measurements at Location S2 to represent the residential receivers along Railway Road'*.
 - d. I have concern over the above method for determining the existing background noise level at Receiver R3. As stated in the first bullet point at the end of Section 4.1 of the NIA there are *large separation distances between the site and the sensitive receivers*, and approximately 1.4 kilometres separates the Sunnyholt Road and Railway Road receiver locations. From my observations of both local areas, the existing noise environment is significantly different.
 - e. Fact Sheet B, Part B1 of the NSW Noise Policy for Industry (NPI) recommends *'the long-term background noise measurement procedure should be used during the planning and consent stage for developments that have the potential to cause significant noise nuisance'*.
 - f. Day Design has performed long-term ambient noise level measurements at 1 Attard Avenue, approximately 80 metres to the south of *Location S2*, with the measured noise levels being significantly lower than the short term noise levels measured in the NIA, resulting in a lower project noise trigger level.

The measured noise levels were 1 dB lower in the early morning shoulder, 4 dB lower in the day and evening and 6 dB lower at night.



Considering the above, I am of the opinion the short term noise level measurements are inadequate to establish the project noise trigger level in this location and should be re-assessed.

3. 'Section 4.2 Long-term unattended noise measurement results' of the NIA –
 - a. As mentioned above, I note the two long term noise measurement locations shown in Table 4.1 are located behind the existing 4.2 metre high road side noise barrier – both locations are to the east of the development site, only.
4. 'Section 4.3 Short-term attended noise measurement results' of the NIA –
 - a. In Table 4.3, the measurements at S2 – 6 Railway Road, Marayong are described as *'dominant noise source at this location was traffic noise along Railway Road, rail movements along adjacent railway line and some industrial noise audible from the Blacktown industrial area but not measurable'*.
 - b. From my observations and supported by the long-term ambient noise level measurements at 1 Attard Avenue, Marayong, the acoustic environment at the rear of the properties adjacent to the railway line are not significantly affected by local traffic on Railway Road resulting in lower ambient noise levels.
 - c. I note the measured noise levels at R1 – 189 Sunnyholt Road, Blacktown Road are significantly higher than those receiver locations measured behind the 4.2 metre high road side barrier.
5. 'Section 4.3.1 Summary of short-term attended noise measurement results; of the NIA –
 - a. The final paragraph is not agreed, especially at S2, *"Accordingly, it is not necessary to determine more precise background noise levels at these locations"*.
 - b. The noise impact from the proposal should be assessed in detail at this location.
6. 'Section 6.1. Project intrusive noise levels' of the NIA –
 - a. Table 6.1, as mentioned above, Day Design has measured significantly lower noise levels than the short term noise levels measured in the NIA at a location close to R3 – Railway Road, resulting in a lower project noise trigger level.

The measured noise levels were 1 dB lower in the early morning shoulder, 4 dB lower in the day and evening and 6 dB lower at night.

Considering the above, the project intrusive noise levels to the west of the subject site are incorrect and could lead to excessive intrusive noise at receiver location. The project intrusive noise levels should be re-analysed in this location.
7. 'Section 6.2. Amenity noise levels' of the NIA –
 - a. In a letter from the EPA, reference DOC19/1025411, dated 26 November 2019, Day Design was advised that the local area around R3 – Railway Road is considered to have an amenity category of 'Suburban', as per Table 2.2 of the NPI.



Considering the above, the project amenity noise levels to the west of the subject site are incorrect and could lead to a loss of amenity at the receiver location. The project amenity noise levels should be re-analysed in this location.

8. 'Section 6.3. Project noise trigger levels' of the NIA –
 - a. Table 6.4 should be updated to reflect the comments in points 6 and 7 above.
9. 'Section 6.5 Sleep disturbance noise levels' of the NIA –
 - a. Considering the measured noise level outlined in point 2 and 6 above, the sleep disturbance criteria to the west of the site is incorrect and could therefore lead to noise levels that cause sleep disturbance at receiver location. The project sleep disturbance criteria should be re-analysed in this location.
10. 'Section 7 Predicted noise levels' of the NIA –
 - a. Noise contour maps have not been provided. *Section 3.3 – Predicting noise levels and determining impacts, Sub-section 3.3.2 – Noise Prediction, Paragraph 4, of the NPI* recommends for large or difficult projects computer noise modelled contour maps should be provided.
 - b. In addition, the EPA in its *Agency Input Letter*, dated 28 November 2019, *Part E - The Environmental Issues, Subsection 6 - Noise and Vibration, Page 25, Part g)*, states:
'The noise impact assessment report should include:
g) for developments where a significant level of noise impact is likely to occur, noise contours for the key prediction scenarios should be derived'.
 - c. As discussed above, noise contour maps are required to be provided for a proposal of this size which will produce significant levels of noise to ensure an acceptable assessment.
11. 'Section 8 Road traffic noise assessment' of the NIA –
 - a. Section 7.1.7 of the EIS predicts that the directional split of vehicles traveling to or from the Proposal site will be 60% via Sunnyholt Road, north, 20% via Sunnyholt Road, south and 20% via Vardys Road, west.
 - b. The NIA does not *'determine the existing road traffic noise levels in accordance with the NSW Road Noise Policy'*, as requested by the EPA in its *Agency Input Letter*, dated 28 November 2019, *Part E – The Environmental Issues, Subsection 6 – Noise and Vibration, Page 24, second bullet point*.
 - c. The NIA does not include a road traffic noise assessment for the potentially affected receiver location on Sunnyholt Road to the south or Vardys Road to the west.
All transport/haulage routes should be assessed as part of the assessment.
 - d. The NIA does not include a quantitative noise level assessment of the proposed transport/haulage routes.



- e. As outlined in Part 4 (c) above, the measured noise levels at 189 Sunnyholt Road are noted. Day Design has measured the existing $L_{eq, 15 \text{ hour}}$ road traffic noise level at 189 Sunnyholt Road, with the measured noise level being lower than the measured noise level shown in Table 4.3.

Concern is raised that without a quantitative noise level assessment the existing $L_{eq, 15 \text{ hour}}$ road traffic noise level from the use of transport routes may cause the existing road traffic noise level to increase by an unreasonable level at some receiver locations.

As per part 3.4.1 of the NSW Environment Protection Authority's Road Noise Policy, while the ***relative increase criteria*** may be complied with, the total traffic noise level from existing roads and the traffic generating development should not exceed the '***traffic generating development***' criterion (60 dBA $L_{eq, 15 \text{ hour}}$) for residences.

It is noted that the existing $L_{eq, 15 \text{ hour}}$ road traffic noise level is 61 dBA at 189 Sunnyholt Road, Blacktown. The increased traffic from the use of the site may cause the existing level to increase by more than 2dB.

In summary, I am of the opinion the following revisions to the NIA are required to ensure the acoustic assessment is valid and to ensure no adverse impacts to the acoustic amenity of the local area:

- Detailed assessment of the existing ambient noise levels at residential receivers to the west of the development site;
- Revision of project noise trigger levels for residential receivers to the west of the development site;
- Detailed assessment of the predicted noise impact at residential receivers to the west of the development site;
- Provision of noise contour maps; and
- Detailed/quantitative road traffic noise assessment.

In conclusion, it is my opinion that the NIA and therefore the proposal is not acceptable in its current form.





Adam Shearer, BCT (Audio), MDesSc (Audio and Acoustics), MAAS,
Senior Acoustical Consultant
for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.



The undersigned hereby certifies that this Report has been checked and approved in accordance with our Quality Management System.



Date: 29/10/20



APPENDIX C: Air Quality Review, prepared by *Todoroski* dated 28 October 2020



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28 October 2020

Kate Blunden
Solicitor
Addisons
Via email: kate.blunden@addisons.com

RE: Review of Kings Park Metal Resource Facility Air Quality Impact Assessment

Dear Kate,

Todoroski Air Sciences has conducted a review of the *Kings Park Metal Resource Facility Air Quality Impact Assessment* prepared by Northstar Air Quality on behalf of Sell & Parker Pty Ltd (6 August 2020) hereafter referred to as the AQIA.

The AQIA supports the Environmental Impact Statement for the proposed increase of the throughput limit of the facility from 350,000 tonnes per annum (tpa) to 600,000tpa. The key components of the AQIA have been examined and possible issues that may adversely affect the results are discussed below.

Review of the AQIA

Meteorological data

It is unclear which year has been applied for the modelling assessment and thus it is not possible to determine if the modelling year is representative or not. Inconsistencies regarding the modelling year are found throughout the report, for example Section 4.3 states that the year 2018 was selected, Appendix A (above Figure A3) states that 2015 was selected, Table A1 indicates that 2019 was the modelling year and Figure A5 indicates the data are for 2018 while the text above the figure says 2019.

The AQIA only provides a limited analysis of wind speed data to select a representative year. Figure A4 in Appendix A appears to show that 2018 had the lowest relative frequency of wind speeds under 1.5m/s for any of the years and a higher frequency of wind speeds 3-5.5m/s. The selection of a dataset with a low frequency of low wind speeds could bias the results of the assessment as generally poor dispersion occurs under low wind speed conditions. It is not clear if the 2018 dataset has been selected for the assessment and if so, would be a representative year for modelling. An appropriate statistical analysis of the long-term data is required to determine a representative year.

The windrose generated from CALMET for the site has a significantly different annual wind distribution than that of measured observation data for Prospect, as seen in **Figure 1**. The Prospect windrose shows a predominance of winds from the southwest and north-northwest and generally a low percentage of winds from the northeast quadrant whereas the CALMET windrose shows predominant winds from the north-

northeast and few winds from the southwest and north-northwest. The appropriateness/representativeness of the meteorological modelling used in the assessment needs to be justified to determine if the modelling is adequately representative of the locality.

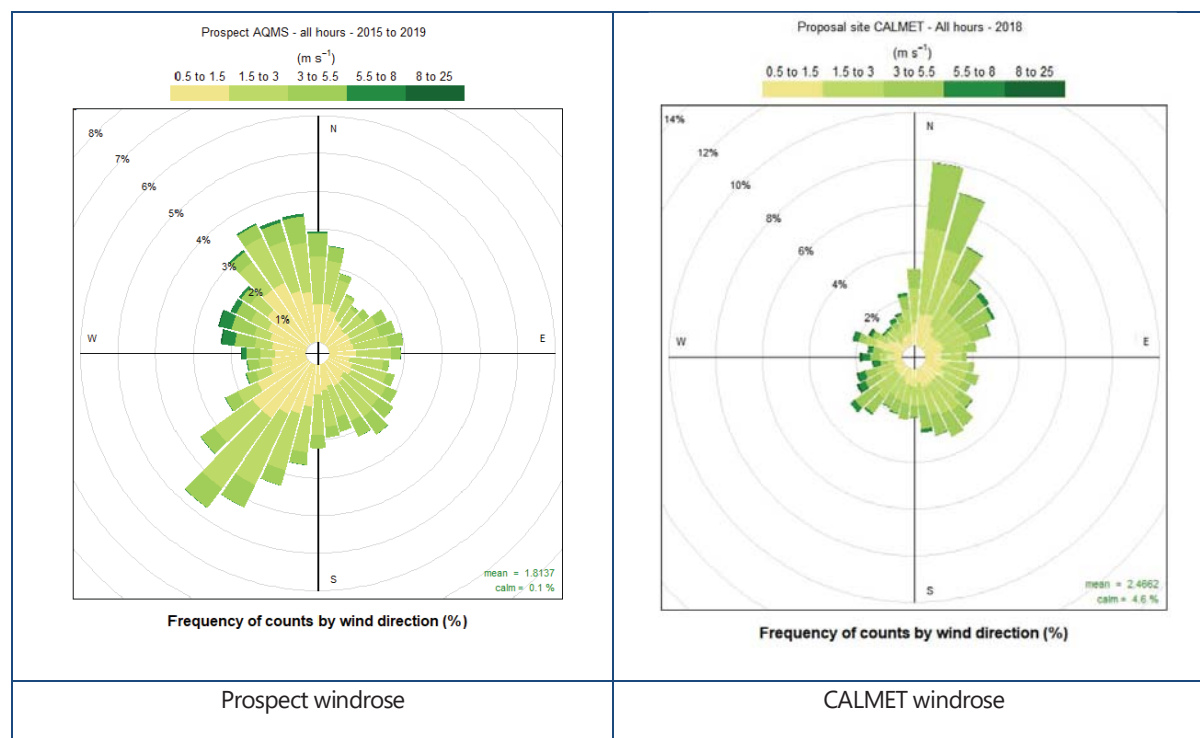


Figure 1: Comparison of windrose plots

Emissions estimations

The AQIA appears to omit emissions from hauling activities at the site, stating that as the surface would be paved and swept regularly, emissions from vehicle and plant movements on-site are considered negligible. Based on the scale and type of the Project, hauling activities are expected to be a significant source of dust emissions from the operations, and thus its omission would lead to substantial underpredictions of impacts. The air emission inventory should include all significant dust generating activity.

Based on satellite imagery of the site and the wind erosion areas presented in Appendix C, the AQIA appears to have underestimated the area of the site with the potential for wind erosion. In addition, the wind erosion areas appear to be the same for the existing and proposed scenarios, despite the proposed approximate doubling in throughput.

The AQIA indicates that the US EPA AP42 Chapter 13 was used for calculating emissions from materials handling. The emissions inventory provided does not appear to include variables/assumptions such as moisture content or mean wind speed that were likely used in this calculation. It is noted that the SEARs requires these details of the project that are essential for predicting and assessing air impacts including moisture content to be provided. Without these details, the appropriateness of the adopted emission factors cannot be assessed.

Diesel exhaust emissions from vehicles and plant have not been considered. Diesel exhaust emissions comprise PM_{2.5} and NO_x emissions which would contribute to the incremental and cumulative impact from the operations.

Only emissions of odour and NO_x have been assumed for oxy cutting. The AQIA does not adequately assess the potential for fume/particle emissions from this source as required by the SEARs.

It is unclear if a maximum 24-hour average rate has been adequately assessed for 24-hour average impacts. The largest daily tonnage proposed to be handled for any source is 1,800 tonnes per day, for operations six days a week (Monday to Saturday). If a single source was to handle all material in the proposed 600,000tpa, the maximum daily rate would be approximately 1,918 tonnes per day (i.e. $600,000 / 365 \times 7 / 6 = 1,918$). This would result in a potential underestimation of the 24-hour average impacts. The AQIA should be clarified to confirm the maximum daily processing capacity and ensure modelling for 24-hour averaging periods reflects this in order to adequately assess potential impacts.

Presentation of results

The data presented in Table 17 show levels approaching the criterion of 50µg/m³ which do not include the existing or proposed neighbouring operation. The contemporaneous assessment should be revised to include the neighbouring operation for the selected meteorological year to demonstrate the Project operating in conjunction with the neighbouring operation would not result in any additional exceedances of the relevant 24-hour particulate criteria.

An attempt at a cumulative assessment of 24-hour average impacts has been made in Table 24 which considers the maximum incremental impacts from the Project and the neighbouring operation. However, as the modelling uses different meteorological years/datasets, the predicted maximum impacts and contemporaneous background levels would not occur over the same periods. The assessment does not adequately demonstrate that this would not result in any additional exceedances of the relevant 24-hour average particulate criteria.

It is further noted that the cumulative assessment results presented in Tables 17 and 18 need to be expanded to cover a large enough period to demonstrate that there is no potential for cumulative impacts to occur. This occurs at the point where the ranked background level plus the corresponding ranked incremental levels is less than 50µg/m³.

Summary and Conclusion

Overall, there are potentially significant inadequacies with the AQIA. Considering the inadequacies in the assessment as outlined above, it is not possible to determine whether the proposed intensification of activities at the Kings Park Metal Resource Facility would lead to adverse air quality impacts.

Please feel free to contact us if you would like to clarify any aspect of this letter.

Yours faithfully,
Todoroski Air Sciences



Katie Trahair



Philip Henschke



APPENDIX D: Planning Review, prepared by *Ethos Urban* dated 29 October 2020

29 October 2020

2191033

Kate Blunden
Solicitor
Addisons
Level 12, 60 Carrington Street
Sydney NSW 2000

Dear Kate,

RE: SUBMISSION: SSD-10396: Kings Park Metal Recovery and Recycling Facility Expansion

This planning advice has been prepared by Ethos Urban for Addisons on behalf of Auto Recyclers/Rush Metals to inform the assessment of a proposed expansion of the existing metal recovery and recycling facility at 23-43 and 45 Tattersall Road, Kings Park.

Ethos Urban has reviewed the Environmental Impact Statement (EIS) that was submitted in support of the proposed development, being State Significant Development (SSD 10396).

The proposed expansion seeks to increase the recycling capacity of the facility from 350,000 tonnes per annum (tpa) to 600,000 tpa, however, the proposal does not include any physical works.

Scope of Development

In the first instance, it seems unlikely that the facility can effectively increase its capacity by approximately 71% without carrying out any development works, and we would suggest that this claim be scrutinised closely by the Department of Planning, Industry and Environment and other regulatory authorities. In this regard, we would suggest that the proponent be required to provide further justification and evidence as to the capacity of the existing plant and equipment.

Suitability of Environmental Protection Measures

Given the nature of the proposal, we would also suggest that the proponent be required to provide further justification and evidence as to the capacity and suitability of the environmental protection and mitigation measures currently in place at the facility to adequately accommodate the proposal. This could be by way of technical

specifications and other details confirming, where appropriate, that the environmental protection measures in place at the site are rated to perform at the more intensive level.

In this regard, we also note that the existing facility is subject of existing State Significant Development consents and an Environment Protection Licence – in order to understand the suitability of the existing environmental protection and mitigation measures currently in place at the facility, we would request that the proponent provide details around the compliance of the existing operation against the conditions of the existing State Significant Development consents and the requirements of the Environment Protection Licence. Non-compliances with the existing State Significant Development consents and/or the Environment Protection Licence would indicate that the environmental protection and mitigation measures currently in place at the facility are not adequate to accommodate the proposed more intensive operation of the facility.

Noise Impacts

In relation to the environmental impact assessment of the intensified operations we note that the proposal indicates that it will not require any increase in workforce or operating hours. In order to achieve this, it is clear that the intention is to operate the existing equipment more intensively and without downtime. Whilst it may be possible to achieve technical compliance with the environmental guidelines (such as noise and air quality), we would suggest that the desire to operate the plant and equipment constantly, and for the entire period of the approved hours of operation, is not consistent with the expectations of the site's neighbours and the expectations of the surrounding community. Rather, in such a heavily urbanised environment, it is entirely reasonable to expect that respite periods will be established for operational activities of this nature.

In this regard, we note that the facility already operates with extended hours encroaching on both the evening (i.e. between 7pm and 9pm) and the morning time (between 6am and 7am) periods (noting that 6am-7am is part of the night time period under the Noise Policy for Industry, when lower noise levels are expected to be achieved). Operating at full capacity Monday-Saturday, during normal daytime hours would offer insufficient respite for the machinery and the surrounding community, however extending these hours into evening and night time periods exacerbates the issue of lack of respite without the proponent providing adequate justification in the EIS.

Further, by operating at full production capacity without respite means that all down time activities, such as cleaning and maintenance, must be undertaken during the night time – between 9pm and 6am. Whilst we accept the need to be able to undertake maintenance and cleaning activities outside of normal working hours, the operational regime proposed to be established by the proponent would mean that all maintenance and cleaning activities would without exception need to be carried out during the night time. Whilst this is normally acceptable given the intermittent and occasional nature of these activities, the activities do still carry the potential for noise impacts (indeed the specific noise profile of these activities is harder to characterise for the purposes of noise impact assessment) – and by making them regular, consistent and persistent night time activities further highlights the loss of any respite for the neighbouring community.

With consideration of the above, it is therefore requested that the proponent consider revising its proposed operational regime to establish respite schedule that reflects the densely populated urban environment surrounding the Kings Park industrial estate.

Background Noise

Also in relation to noise, we note that the background noise monitoring data was taken from noise monitors located behind the existing noise wall. Whilst this should be considered by the relevant noise specialist and the Environment Protection Authority, it is suggested that noise monitors located behind the noise wall are not reflective of the prevailing noise levels for most of the local community, and indeed do not reflect the closest sensitive receiver located on Sunnyholt Road which does not have the benefit of the noise wall.

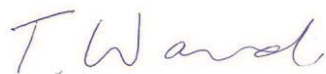
Conclusion

Ethos Urban has completed a review of the EIS for SSD 10396, being the proposed expansion of the existing metal recovery and recycling facility at 23-43 and 45 Tattersall Road, Kings Park. The review has identified a number of issues and concerns that should be investigated by the Department of Planning, Industry and Environment, the Environment Protection Authority and other relevant regulatory authorities, and addressed by the proponent as part of the Response to Submission process.

Based on the this, it is my opinion that consent should not be granted for the proposal due to the inadequacies outlined above.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or tward@ethosurban.com.

Yours sincerely,



Tim Ward
Director