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Director – Industry Assessments, Planning and Assessment
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

16 December 2021

Our ref DAL 217915

Dear Sir/Madam

Prestons Waste Treatment Facility
State Significant Development SSD-9346594 (SSD Application)

1. We act on behalf of PharmaCare Operations No 1 Pty Ltd.

2. We are instructed to make this written submission to the Department of Planning Industry and Environment **(Department)** in relation to the SSD Application for the construction and operation of a Waste Treatment Facility at Lot 103 DP 866530 otherwise known as 9-13 Whyalla Place Prestons **(Site).**

3. In preparing this submission, we have considered the Environmental Impact Statement prepared by Golder Associates Pty Ltd (20142192-052-R-Rev1) dated November 2021 **(EIS).**

4. By way of background, our client operates a facility manufacturing medicated pastilles, a non-sterile Therapeutic Goods for human use at 3 Ash Road Prestons which is situated to the north of the Site.

5. Our client will also be taking over the premises at 7-9 Ash Road for the purposes of warehousing raw materials and finished products.

6. Our client's licence authorises the following operations at our client's site:

   a. Manufacturing of medicated pastilles;

   b. Packaging;

   c. Labelling; and

   d. Release for Supply.

7. Our client's primary responsibility includes ensuring that the medicated products are of the quality required for their intended use and to comply with all appropriate regulatory and legislative requirements.

SSD Application

8. Hi Quality Waste Treatment Services Pty Ltd seeks to construct and operate a Waste Treatment Facility at the Site. The Waste Treatment Facility proposes to use technologies for treating solid and liquid wastes to a level suitable for reuse, disposal to landfill or disposal to sewer.

9. The Waste Treatment Facility will process up to 270,000 tonnes of solid waste per annum generated primarily from industrial processes and contaminated sites and includes treatment of:

    a. Contaminated Soils;

    b. Contaminated sludges; and

    c. Liquid wastes.

10. Our client is concerned as to impacts on the SSD Application on its operations at its site.

11. Our client has engaged Paul Mitchell from Gyde Consulting to assess the impacts of the Waste Treatment Facility. A copy of Mr Mitchell's letter is **enclosed** for the Department's consideration.

12. Our client is concerned with amenity impacts resulting from odour and possible transfer of airborne particles from the Site which could have the potential of contaminating raw materials used for the manufacture of the medicated pastilles or the finished product prior to the release for supply. Mr Mitchell also shares our client's air quality concerns as detailed in section 4.2 of Mr Mitchell's letter.

13. Our client is also concerned with unacceptable amenity impacts resulting from noise and odour generated from the Site which is detailed in section 4.4 of Mr Mitchell's letter.

14. Mr Mitchell has also identified further shortcomings in the EIS lodged with the SSD Application which is detailed in section 4.5 of Mr Mitchell's letter.

15. Our client intends to supplement these submissions with further detailed submissions in the new year. Please confirm that our client's further detailed submission will be considered by the Department.

16. If you have any questions or would like to discuss, please do not hesitate to contact us.

Yours faithfully
Bartier Perry

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Enc (1)

Gyde Consulting

16 December 2021

Ms Emma Barnet
Senior Environmental Assessment Officer
NSW Department of Planning, Industry & Environment
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Barnet,

SSD-9346594 – PRESTONS WASTE MANAGEMENT FACILITY SUBMISSION

1. Purpose

This initial submission has been prepared for PharmaCare Operations, a subsidiary of Pharma Care Laboratories Pty Ltd (PharmaCare). Given the very limited time available to review the six volume EIS, this submission is necessarily an initial one that identifies key points only and we request additional time to enable a fully considered submission to be made.

PharmaCare manufactures medical pastilles (a paste or 'chewy' solid containing medicament which is released slowly when chewed or sucked). It operates under Manufacturing Licence No: MI - 2016 – LI – 04306 – 1 issued by the Therapeutic Goods Administration, Commonwealth Department of Health and Ageing. Production takes place in accordance with PharmaCare's Quality System, Version 06, 17 August 2021 at a facility at 3 Ash Road, Prestons, located some 300m north of the proposed waste treatment facility (the Site) as shown in Figure 1. In addition, PharmaCare stores raw materials and final products in a warehouse at 7-9 Ash Road, Prestons located approximately 250m from the Site.

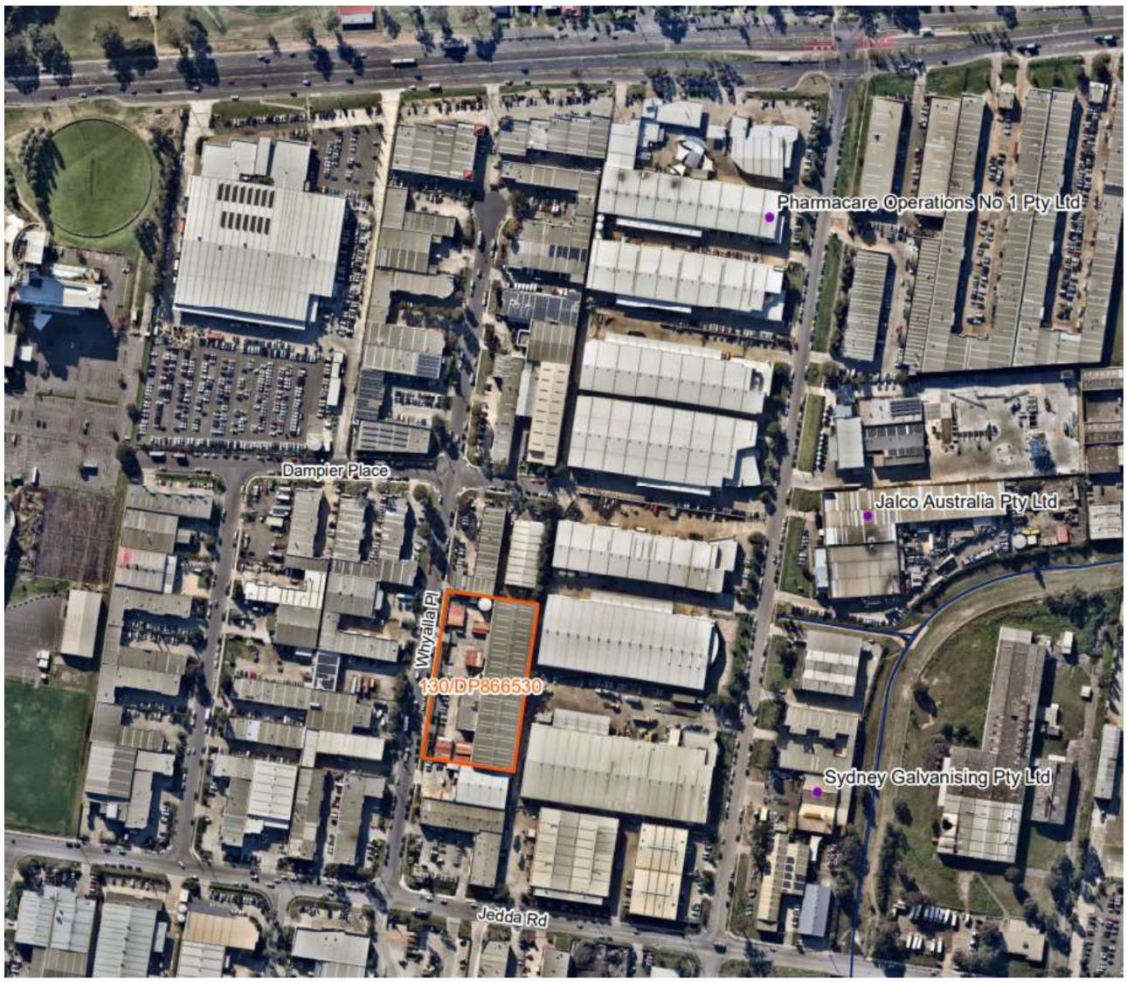

Figure 1: An aerial view of the Site showing surrounding uses, including the main Pharmacare facility 300 metres to the north (Source: Golder)

The following comments are limited to key concerns about the EIS prepared by Golder Associates. Overall, Golders are experienced in preparing industrial EISs and the document appears to competently cover the main applicable environmental issues. With respect to the EIS overall we note the small but important point that the principal author's qualifications are variously described as "Principal Engineer", "Principal Design Engineer" and "Principal Environmental Engineer"; we believe use of different titles is confusing and that none of the preceding position descriptions are "qualifications"; clarification of the principal author's qualifications is needed to provide stakeholder trust in the content of the EIS. Apart from these general points, we believe there are sufficient concerns about some technical issues to warrant more information about certain impacts and necessary conditions.

The page numbers referenced in our comments are those given in the electronic file rather than those in the printed version of the EIS to facilitate ease of reference.

2. The Proponent's Environmental Record

As noted on Page 28 of the main volume, Hi-Quality Waste Treatment Services Pty Ltd is a significant player in the Australian waste management industry, operating 14 facilities in four Australian States and Territories. However, the EIS is silent on the company's environmental track record. This is important as it underlies the reliability of its environmental policies and management processes. Looking only at its facilities in NSW in 2017, Hi-Quality was fined $64,500 by the NSW EPA for environmental offences at St Mary's and Bringelly and $32,500 for multiple incidents at its Minna Landfill near Goulburn. While these breaches occurred some years ago, implying Hi-Quality now has adequate environmental management procedures, the existence of multiple breaches at three facilities suggests that close attention to the proposed management procedures for this facility

is warranted.

3. Scale of Proposal

The scale of the proposed facility is substantial. For comparison, the liquid waste facility operated by Cleanaway at Olympic Park is licenced to discharge up to 20 megalitres (ML) per year of treated effluent. That facility has been operating since the mid-1980s and was the largest such operation in Sydney. By comparison, the Hi-Quality proposal seeks to treat 70 ML of liquid wastes per year that is approximately 3.5 times the volume of Sydney's former largest facility.

4. Key Potential Impacts

4.1 Water Quality

Given the nature of the proposed waste management facility water pollution is a potential major risk with the possibility that polluted water could spread through groundwater, runoff or due to ineffective treatment and disposal of liquid effluents.

Existing groundwater conditions have been examined in some detail in the EIS. The Site is underlain by permeable Quaternary sediments that would allow movement of contaminated groundwater into a broader area. However, with respect to PharmaCare's property, which is located to the north of the Site, groundwater movement is to the east. Thus, it is reasonable to conclude that there is a very low risk of contaminated groundwater reaching PharmaCare's property.

Liquid wastes will be treated at the proposed facility and then discharged to the reticulated sewerage system under a Trade Waste Agreement with Sydney Water for ultimate disposal at an EPA licenced treatment plant. This is a robust process that will ensure safe and effective disposal of liquid effluents.

Precipitation falling on the Site will be kept separate from the waste processing facilities by their enclosure meaning this potential source of contamination will be eliminated. Run-off from the Site will either be collected and reused or directed to Liverpool Council's stormwater system. Thus, the likely outcome is that runoff from the Site would present no greater risk than any typical contemporary industrial facility in the locality.

The overall conclusion with respect to water quality is that there is probably a very low risk to PharmaCare's operations or property.

4.2 Air Quality

Air quality is assessed in Appendix F of Volume 3. It relies on data from a meteorological station nine kilometres away. There is no commentary on how representative its data is, nor what could be learnt by drawing on a larger network of meteorological stations. Page 84 of the Main Volume gives an annual wind rose that clearly shows the dominance of winds from the southeast, south and southwest. However, this does not seem to be reflected in the dust isopleths reproduced in Volume 3. For example, Figure E3 Near Field Annual $PM_{2.5}$ Results and Figure E7 Near Field Annual PM_{10} Results appear to show a dominance of westerly winds.

Table 30 of the Main Volume notes that $PM_{2.5}$ and PM_{10} criteria are already exceeded in the absence of the waste treatment facility and this will be exacerbated by the additional pollutant load. The former, $PM_{2.5}$, is significant because it is a health rather than an amenity criterion.

Page 162 of the Main Volume notes that the dominant percentages of particulate discharges from the three vent stacks will be in the $PM_{2.5}$ range. Some 75% of particles smaller than ten microns will be sub 2.5 microns, while about 70% of all particulate discharges will be fine particulates. This is a concern given the modelled exceedance of one hour compliance criteria for arsenic and chromium discussed on Page 163. Metallic aerosols that are dominantly sub $PM_{2.5}$ are likely to be carried further if there are any differences between the assumed and actual meteorological conditions occurring at the Site.

The odour assessment on Page 164 of the Main Volume concluded that because two components of VOCs (benzine and TCE) are below nominated concentrations, there will be no odour impacts. However, no modelling of Odour Units is presented. Given the very general description of wastes to be received, it is likely that some will include compounds emitting hydrogen sulphides and mercaptans both of which are highly offensive.

One of the key air quality safeguards nominated on Page 164 of the Main EIS is high-speed roller-doors that will be required to be closed during loading/unloading and handling of wastes. Also building compartments will be maintained at a negative pressure of more than -5 Pascals to avoid fugitive emissions. However, it is noted in the traffic report on Page 150 of the Main EIS that 26 truck movements will occur during a peak hour either entering or leaving the facility. If it were assumed that it could take about one minute to open a door, drive a truck through and close the door, this means that a door could be partially or fully open almost half the time during a peak hour. It is not clear how negative internal pressure will be consistently maintained during this period.

Finally, Page 166 indicates that during construction, all stockpiles are to be covered and weighted to prevent wind erosion when they are inactive. No indication is given of the size, location and content of those stockpiles which presumably (by reference to wind erosion) will not be contained in the main building.

Air borne emissions could adversely affect PharmaCare's products if they breach the protection measures that are in place at its facility. These are a combination of temperature and humidity controls, pressure differentials, air locks, and air supply and recirculation standards which have proven to be effective under current air quality conditions applying in the locality. The proposal should not place additional burdens on or risks to PharmaCare's operations and given the uncertainties mentioned above more detailed investigation of several emission sources and proposed control measures is warranted.

4.3 Traffic Impacts

The proposal's traffic impacts are assessed in Volume 2 of the EIS. It is noted that the Site is close to the M5 and M7 state motorways and that there are five access routes for B-Doubles to the Site. Notwithstanding, the EIS adopts a conservative approach and assumes all heavy vehicles will travel to the Site via one route (from the M7 along Jedda Drive to Whyalla Place) as shown in Figure 2. The EIS then concludes that all intersections would continue to operate satisfactorily under the post-development conditions because there would be minimal change compared to the pre-development situation. Specifically, the intersection of most relevance to PharmaCare, Ash Road and Hoxton Park Drive, would experience no discernible change levels of service as they would remain at A and B in the morning and afternoon peak hours respectively.

Figure 7.5: Assumed Truck Haul Routes

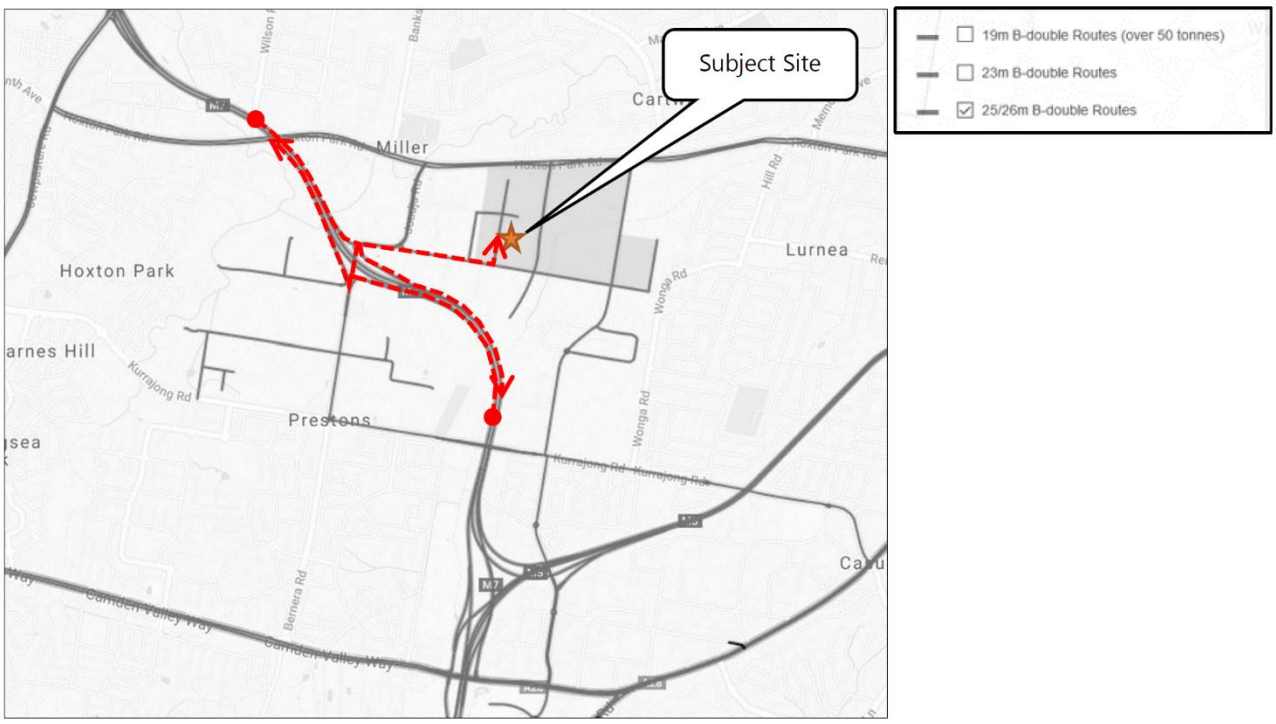

Figure 2: Figure 7.5 from the Transport Study highlighting the site's proximity to the M7 Motorway and Hoxton Park Road (Source: PeopleTrans)

Based on the information presented in the EIS traffic operations and safety in the vicinity of Pharma Care should not be adversely affected but appropriate conditions would be needed to ensure truck numbers and travel routes are satisfactory.

4.4 Noise Assessment

The noise assessment is summarised in the Main EIS volume and detailed in Appendix E of Volume 3. It relies on a meteorological station some nine kilometres from the Site.

It notes on Page 12 of Volume 3 that noise enhancing meteorological conditions occur some 35% of the time in the 2018 data set, yet the modelled increase in noise levels between neutral and adverse wind and inversion conditions was only one decibel (see Tables 7 and 8 Page 16). This is surprising.

No complete equipment schedules are provided, with all machinery outlined in very general terms. Critically, no source sound power levels are given to verify model inputs. Also, on Page 167 of the Main Volume, reference is made to a mobile shredder that is not mentioned in either the noise or air quality assessments. If the shredder processes metals, it alone could be a significant noise source.

The noise assessment presents no noise isopleths but is confined to predictions made for noise at two properties 301 Hoxton Park Road, some 500m north of the Site, and Mercure Hotel, some 350m from the Site. PharmaCare's facility is about 300m from the site and no assessment is made of this or any other neighbouring property. Thus, while noise impacts do not have the potential to affect the quality of PharmaCare's products, they could affect the amenity of the area and be difficult to rectify retrospectively meaning potential issues should be resolved now.

4.5 Management and Monitoring Measures

The proposed environmental management and monitoring measures are given in Section 16 (Table 38) of the Main Volume. The measures cover many potential impacts and are thus reasonably comprehensive. There are, however, a number of significant shortcomings and they are explained below.

A significant number of the measures lack certainty or finality. The primary example is the uncertain nature of the measures themselves – they "may be revised with further data collection and/or design development" (p. 210); no indication of the type of data that would lead to a review, who would undertake the amendments and who would check their appropriateness and credibility is given. In relation to post commissioning stack testing if higher than forecast emissions are found further monitoring would occur (p. 214); monitoring alone would not fix excess emissions and so the problem would remain without further undertakings to reduce emissions by engineering or operational controls. Under Human Health "quarterly personnel ...monitoring" is proposed (p216) but no indication of who would do the monitoring, their required qualifications, what would be monitored, and the response measures is given. A Health and Safety Management Plan is to be prepared but its content is uncertain – it must only "align" with the relevant standard rather than comply with it (p. 218).

Secondly, decisions about some possibly necessary measures are deferred and therefore uncertain. On page 213 the EIS states that the "need for fogging suppression systems where deemed necessary will be determined during details design"; there is no indication of who would make this decision, on what basis and how the effectiveness of the suppression system would be determined. In a similar vein there is reference to the need for an Emergency Management Plan but whether one would be prepared is uncertain with the only commitment being that it "should be developed" (p. 218). There is a commitment to prepare a Stakeholder Engagement Strategy but this would occur "as part of the environmental management documentation" (p. 210). Presumably the management plans would be produced after an approval had been obtained which is much too late for the engagement strategy to be effective particularly as the engagement work to date as omitted some key stakeholders as explained in the next section.

The third shortcoming is that the EIS is silent about responsibility for preparation of management plans and accountability for their implementation and continued effectiveness. Presumably this would be part of the proposed EMS (pp. 219-220) but this is not stated and its proposed contents are generalised and generic effectively only being compliance with approval conditions. To be effective the scope of the EMS needs to be expanded to cover all potential impacts and be clear about accountabilities for preparation, implementation and review.

Finally, some of the proposed measures appear to be meaningless. For example, with respect to greenhouse gases the only undertaking is to “consider” the energy efficiency of new equipment when it is being purchased and the same for installation of solar energy facilities (p. 215). There is also reference to “leachate collection within the Waste Treatment Facility” on page 215 even though there would be no leachate because the building would be fully enclosed and on an impermeable paved surface.

The proposal is for a large facility that will process a wide range of wastes, meaning it has the potential to cause significant impacts if management is ineffective. The currently proposed management measures are not satisfactory in several respects and need to be strengthened. The current measures need to be amended to ensure their objectives and implementation responsibilities are clear. The scope of the measures needs to be expanded to ensure all potential impacts are covered, for instance at present there are no measures to control truck routes and driver behaviour. Finally, procedures need to be added to ensure the facility is complying with all prescribed management measures and that they continue to be effective. To this end independent and publicly available compliance audits need to be undertaken at key stages of the project.

5. Community Consultation

It is noted that community consultation was confined to the properties identified in Figure 11 on Page 87 of the Main EIS. No consultation occurred with PharmaCare, despite it being a manufacturer of medical products only 300m from the Site. This unfortunate omission means PharmaCare’s specific concerns have not been addressed in the EIS thus necessitating provision of supplementary information to satisfy its concerns.

6. Conclusion

This initial review suggests that the proposed facility is appropriately located and designed, and that potential impacts can be effectively managed. However, in some instances satisfactory outcomes are not certain and much will depend on the quality and effectiveness of future environmental management measures. Unfortunately, the currently proposed management measures are deficient in some key respects and need strengthening.

We hope this brief submission is helpful and would be pleased to provide any further details that may be necessary. Also, given the limited time available to us and the overlap with the Christmas festive period we request further time to make a full submission and look forward to receiving a positive response from you about this.

Yours sincerely,

Paul Mitchell OAM, LFPIA, MIEAus

Director, Major Projects