

9 November 2015

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via email

Re: DA 15-291 - 80 Tourle St Mayfield - Environment Protection Authority General Terms of Approval

Dear Damian,

We have reviewed the recommended conditions provided by Newcastle City Council in regard to the proposed recycling facility at 80 Tourle St, Mayfield (DA 15-291). On the whole we believe that the conditions are reasonable and reflect the information presented in the environmental impact statement (EIS). However, there are a small number of conditions in the Environment Protection Authority (EPA) General Terms of Approval (GTA) (21 September 2015) that we believe should be modified. These are provided in Table 1.

Table 1 Mayfield Recycling Facility - GTA

Condition	Requirement	Comment/requested action
L2.1	For each discharge point or utilisation area specified in the table below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.	The table is missing in the attached EPA GTA - can this be inserted? It is believed that the following criteria are appropriate: <ul style="list-style-type: none"> oil and grease: 10 mg/L; pH: 6.5–8.5; and total suspended solids: 50 mg/L.
L4.3	For the purpose of condition L4.1; <ul style="list-style-type: none"> Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays. Evening is defined as the period 6pm to 10pm. Night is defined as the period from 10pm to ?am Monday to Saturday and 10pm to 8am Sunday and Public Holidays. 	This is a typographical error in the Council's transcription of the GTAs. Third bullet point should read (see attached GTA): <ul style="list-style-type: none"> "Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays."
L4.6	For the purposes of the condition above: <ul style="list-style-type: none"> a) Data recorded by the meteorological station identified as EPA Identification Point <?> must be used to determine meteorological conditions; and b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy. 	Meteorological data is required to provide context to noise monitoring results. The required meteorological data can be more reliably sourced from the Bureau of Meteorology weather station at Williamstown (Station number 061078) than from a smaller meteorological station installed on-site. It is unlikely that a site-specific station can be erected that complies with Australian Standards such as the required distance from buildings. It is requested that Condition L4.6(a) is amended to: "a) Data recorded by Bureau of Meteorology weather station at Williamstown (Station number 061078) must

Table 1 Mayfield Recycling Facility - GTA

Condition	Requirement	Comment/requested action
		be used to determine meteorological conditions; and"
L4.7	To determine compliance...	Cross-references needs to be fixed.
L4.8	A non-compliance of condition L4.1...	Cross-references needs to be fixed.
O2.2	Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.	<p>There is a legal obligation for trucks to be covered. Deliveries will be made to the site by customer vehicles over which Benedict Industries will not have direct control.</p> <p>It is requested that Condition O2.2 is amended to: "Trucks operated by the applicant entering and leaving the premises and carrying loads must be covered at all times, except during loading and unloading."</p> <p>An additional condition could be included: "The applicant is to provide signage in the weighbridge area informing customers of their legal obligation to cover trucks carrying a load."</p>
M2.1	Point 1...	<p>It is believed that the following parameters are appropriate:</p> <ul style="list-style-type: none"> oil and grease; pH; and total suspended solids. <p>Given that there is no conductivity baseline data and that the discharge volume is insignificant compared to the Hunter River volume, measurement of conductivity will not provide an indication that unforeseen impacts are occurring.</p>
M3.1	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M7.2.	<p>See comments regarding Condition L4.6.</p> <p>It is requested that Condition M3.1 be deleted.</p>
M3.2	For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.	<p>See comments regarding Condition L4.6.</p> <p>It is requested that Condition M3.2 is deleted.</p>
M4.1	<p>To assess compliance with Condition L4.1, attended noise monitoring must be undertaken in accordance with Conditions L6.5 and:</p> <p>a) at each one of the locations listed in Condition L4.1;</p> <p>b) occur quarterly;</p> <p>c) during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:</p> <ul style="list-style-type: none"> 1.5 hours during the day; 30 minutes during the evening; and 1 hour during the night. <p>d) for three consecutive operating days.</p>	<p>This monitoring regime is excessive given that the recycling facility will only be a minor contributor to noise in the area. However, it is recognised that it is appropriate to undertake monitoring to confirm (or otherwise) that this is the case across all seasons.</p> <p>It is requested that the condition be amended to the following: "To assess compliance with Condition L4.1, attended noise monitoring must be undertaken on a quarterly basis for a 12 month period at locations representative of the locations listed in Condition L4.1. The frequency of compliance monitoring will be revised after 12 months in consultation with the Council. Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions of the NSW Industrial Noise Policy."</p>
R2.1	A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the quarterly monitoring...	<p>It is requested that this section of Condition R2.1 is amended to: "A noise compliance assessment report must be submitted to the EPA within 30 days of the completion</p>

Table 1 Mayfield Recycling Facility - GTA

Condition	Requirement	Comment/requested action of each monitoring event specified in Condition M4.1..."
E2.3	<p>After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is subject of this licence, that licensee must:</p> <p>a) remove and lawfully dispose of all liquid and mom-liquid waste stored on the licensee's premises; and b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.</p>	<p>The site was part of the Steel River precinct and is historically contaminated. Extensive contamination assessments have been undertaken at the site and remediation completed such that the site is suitable for industrial use. A site management plan has been prepared (EIS Appendix G).</p> <p>The proposed activities will not further contaminate the site.</p> <p>The last part of the condition (part b) could expose the Benedict Industries to very large liabilities regarding the potential remediation of existing site contamination.</p> <p>It is requested that Condition E2.3 (b) is amended to:</p> <p>"b) rehabilitate the site so that its contamination status is no worse than that described in the <i>Site Audit Report - Former EMD Facility Mayfield West</i>, prepared for Delta EMD, prepared by ENVIRON Australia Pty Ltd, November 2009, Audit Number: GN 397".</p>

We ask that the EPA ammend the GTAs accordingly and would welcome the opportunity to discuss these matters with the EPA to allow them to be resolved in a timely manner.

Yours sincerely



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