

# Part 4 Modification Application - EPA Comments

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Notice No. - 1612422

Penrith City Council  
PO Box 60  
Penrith NSW 2751

Attention: Kathryn Saunders

Notice Number      1612422  
File Number        DOC21/817676  
Date                 24-Sep-2021

**Re: Resource Recovery Facility for Processing a Maximum of 95,000 Tonnes Per Year of Construction & Demolition (C&D) & Commercial & Industrial (C&I) Waste including Conversion of Existing Dwelling to Office, Internal Driveways, Car & Truck Parking Areas & Associated Infrastructure**

**Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

Thank you for consulting with the NSW Environment Protection Authority (EPA) regarding the additional information received by Penrith City Council (Council) for a proposed Resource Recovery Facility at 344 Park Rd, Wallacia (CNR-8094, A-9171). The EPA has previously provided General Terms of Approval (GTAs) to Council for the abovementioned development on 15 September 2020 (EPA ref: DOC20/756763).

The EPA notes that modifications to the original proposal that affect the previously issued GTAs include:

- changes to the number and timing of truck movements per day
- revised calculations for predicted noise impacts based on these predicted truck movements

In light of the changes to the proposal, the EPA has reviewed the previously issued GTAs in conjunction with the information provided in the following documents:

- Letter from Benbow Environmental to Council, 191318\_Let11\_Council\_Rev2 dated 6 August 2021
- Environmental Impact Statement for a proposed resource recovery facility 344 park road, Wallacia, 191318\_EIS\_Rev3 dated 6 August 2021
- Noise Impact Assessment, 191318\_NIA\_Rev2 dated 15 June 2021
- Letter from Benbow Environmental to Council, 191318\_Let1EPA\_Rev1 dated 13 September 2021

The EPA considers that an Environment Protection Licence can be issued for the updated proposal. Gateway Development Pty Ltd ('the Applicant') will need to make a separate application to EPA to obtain this licence.

# Part 4 Modification

## Application - EPA Comments



Notice No. - 1612422

The EPA's previously issued GTAs have been updated as follows:

**L3.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Figure 3-1 Noise Impact Assessment prepared for 344 Park Road, Wallacia NSW 2745, dated 15 June 2021, Benbow Environmental, reference 191318\_NIA\_Rev2.

Location			Noise Limits in dB(A)			
Location ID	Address	Lot/DP	Day	Evening	Night	
			L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A</sub> F <sub>max</sub>
R1	334 Park Road Wallacia	Lot1 DP1145597	46	39	37	52
R2	322 Park Road Wallacia	Lot1 DP1145716	46	36	35	52
R3	323-341 Park Road Wallacia	Lot8 DP666928	46	35	35	52
R4	343-351 Park Road Wallacia	Lot71 DP594632	46	35	35	52
R5	353-361 Park Road Wallacia	Lot72 DP594632	46	35	35	52
R6	363 Park Road Luddenham	Lot6 DP651102	46	35	35	52
R7	364 Park Road Luddenham	Lot4 DP653236	46	39	35	52
R8	386 Park Road Luddenham	Lot1 DP557920	46	43	35	52
R9	384 Park Road Luddenham	Lot2 DP557920	46	41	35	52
R10	45 Willowdene Avenue Luddenham	Lot3 DP248069	46	35	35	52
R11	115 Willowdene Avenue Luddenham	Lot4 DP248069	46	35	35	52
R12	288A Park Road Wallacia	Lot1 DP1195400	46	35	35	52

**L4.1** Activities at the premises are to be limited to the following times and days:

- Truck movements to and from the site, and within the site to be restricted to Monday to Saturday 7am to 6pm, and 8am to 6pm on Sundays and public holidays.
- Use of mobile and fixed plant and machinery outside of the processing building to be limited to Monday to Saturday 7am to 10pm, and 8am to 10pm on Sundays and public holidays.

All other GTAs issued on 15 September 2020 remain appropriate. The licence conditions likely to be imposed by the EPA are set out in their entirety at attachment A.

As previously advised, it is the EPA's view that the Noise Impact Assessment has demonstrated that changing the frequency of truck movements materially changes the predicted noise levels and therefore a measurable change in predicted noise levels is expected as the number of truck movements increase. The method by which noise impacts are calculated is based on an average number of truck movements per hour, therefore the EPA is concerned that the noise impacts could be higher if the hourly averages are not adhered to. To ensure that the noise impacts of truck movements is managed in a practical way, the EPA recommends that the number of trucks on the premises should not exceed 2 per 15 minutes during the day period consistent with the modelling assumptions. No truck movements should be permitted during the evening and night.

## Part 4 Modification Application - EPA Comments

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Notice No. - 1612422

Comments previously provided to Council in relation to the proposal are considered to remain relevant to the assessment of this proposal and have been included in this correspondence at attachment B.

The proposed licence conditions relate to the resource recovery facility at 344 Park Rd, Wallacia as outlined in the application and subsequent information provided to EPA. In the event that the proposal is further modified, either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, the EPA requests that the Council consult with EPA about the changes before modifying the consent. This will enable EPA to determine whether the proposed licence conditions need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Ms Bernie Turner on 9995 6844 or at [bernie.turner@epa.nsw.gov.au](mailto:bernie.turner@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink that reads 'e Watson'.

.....  
**Elizabeth Watson**

**Acting Unit Head**

**Environment Protection Authority**

(by Delegation)

# Part 4 Modification

## Application - EPA Comments



Notice No. - 1612422

# ATTACHMENT A - GENERAL TERMS OF APPROVAL

## Administrative conditions

### A1. Information supplied to the EPA

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application DA20/0262 submitted to Penrith City Council on 22 May 2020;
- Environmental Impact Statement (EIS) 19138\_EIS\_Rev2 dated May 2020 and updated EIS 191318\_EIS\_Rev3 dated 6 August 2021 relating to the development;
- Updated Noise Impact Assessment, 191318\_NIA\_Rev2 dated 15 June 2021; and
- All additional documents supplied to the EPA in relation to the development, including:
  - Letter Ref: 191318\_Let5\_EPA\_Rev1 dated 5 August 2020
  - Letter Ref: 191318\_Let7\_EPA\_Rev1 dated 14 August 2020
  - Letter Ref: 191318\_Let11\_Council\_Rev2 dated 6 August 2021
  - Letter Ref: 191318\_Let1EPA\_Rev1 dated 13 September 2021

### A2. Fit and Proper Person

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## Limit conditions

### L1. Pollution of waters

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### L2. Waste

**L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L2.2** Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Code	Waste	Description	Activity	Other Limits
N/A	Building and demolition waste	Bricks, concrete, metal,	Resource recovery	

# Part 4 Modification

## Application - EPA Comments



Notice No. - 1612422

		plasterboard	Waste storage	
	Aggregates, roadbase or ballast		Resource recovery Waste storage	
N/A	Paper or cardboard, plastic and metal		Resource recovery Waste storage	
	Asphalt waste (including asphalt resulting from road construction and waterproofing works)		Resource recovery Waste storage	
N/A	Wood waste	As defined in Schedule 1 of the POEO act, as enforced from time to time	Resource recovery Waste storage	

L2.3 The authorised amount of waste permitted on the premises cannot exceed 9,000 tonnes at any one time.

L2.4 A maximum of 95,000 tonnes of waste is permitted to be received at the premises in a 12 month period.

### L3. Noise limits

**L3.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Figure 3-1 Noise Impact Assessment prepared for 344 Park Road, Wallacia NSW 2745, dated 15 June 2021, Benbow Environmental, reference 191318\_NIA\_Rev2.

# Part 4 Modification

## Application - EPA Comments



Notice No. - 1612422

Location			Noise Limits in dB(A)			
Location ID	Address	Lot/DP	Day	Evening	Night	
			L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A</sub> Fmax
R1	334 Park Road Wallacia	Lot1 DP1145597	46	39	37	52
R2	322 Park Road Wallacia	Lot1 DP1145716	46	36	35	52
R3	323-341 Park Road Wallacia	Lot8 DP666928	46	35	35	52
R4	343-351 Park Road Wallacia	Lot71 DP594632	46	35	35	52
R5	353-361 Park Road Wallacia	Lot72 DP594632	46	35	35	52
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R9	384 Park Road Luddenham	Lot2 DP557920	46	41	35	52
R10	45 Willowdene Avenue Luddenham	Lot3 DP248069	46	35	35	52
R11	115 Willowdene Avenue Luddenham	Lot4 DP248069	46	35	35	52
R12	288A Park Road Wallacia	Lot1 DP1195400	46	35	35	52

### L3.2 For the purposes of condition L3.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

### L3.3 Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level
Evening	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

# Part 4 Modification

## Application - EPA Comments



Notice No. - 1612422

b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

**L3.4** For the purposes of condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Badgerys Creek.
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

i. Use of sigma-theta data (section D1.4).

**L3.5** To assess compliance:

a) with the LAeq(15 minutes) or the LAmax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:

- (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
- (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
- (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
- (iv) at any other location identified in condition L3.1

b) with the LAeq(15 minutes) or the LAmax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:

- (i) at the reasonably most affected point at a location where there is no residence at the location; or,
- (ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

**L3.6** A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

**NOTE to L3.5 and L3.6:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

**L3.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L3.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

### Definitions

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions L3.1 to L3.8.

# Part 4 Modification Application - EPA Comments



Notice No. - 1612422

- LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
- LAFmax – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.

## L4. Hours of operation

**L4.1** Activities at the premises are to be limited to the following times and days:

- a) Truck movements to and from the site, and within the site to be restricted to Monday to Saturday 7am to 6pm, and 8am to 6pm on Sundays and public holidays.
- b) Use of mobile and fixed plant and machinery outside of the processing building to be limited to Monday to Saturday 7am to 10pm, and 8am to 10pm on Sundays and public holidays.

## L5. Hours of Construction

**L5.1** All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and Public Holidays, unless inaudible at any residential premises.

## Operating conditions

### O1. Dust and Air Emissions

- O1.1** All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises.
- O1.2** The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.
- O1.3** Idling of trucks must be minimised where possible.
- O1.4** All plant and equipment (including loaders, crushers, forklifts, excavators) must be maintained in accordance with manufacturer requirements to minimise malfunction that could result in abnormal air quality emissions.
- O1.5** The processing building and the outside storage area must be fitted with an operational water misting system control.
- O1.6** All internal roads up to the edge of the site boundary must be sealed.
- O1.7** All haulage on the premises must be undertaken on sealed roads.

### O2. Noise

# Part 4 Modification

## Application - EPA Comments

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Notice No. - 1612422

**02.1** Noise management and mitigation measures detailed in the planning application's noise assessment (Noise Impact Assessment prepared for 344 Park Road, Wallacia NSW 274, dated 15 June 2021, Benbow Environmental reference 191318\_NIA\_Rev2) must be implemented at the premises. These measures must include the following:

- (i) The processing building walls, roof and doors must have an acoustic performance that enables the noise limits to be met.
- (ii) Conveyor with external sections must be enclosed
- (iii) Roller shutter doors must be kept closed when not in use
- (iv) Pedestrian doors must be kept closed when not in use
- (v) Trucks and vehicles must shut engines off when parked and/or not in use
- (vi) Truck exhaust brakes must not be used on site

### 03. Waste management

**03.1** All material unloading, screening, crushing and sorting of materials activities must be undertaken within an enclosed building.

**03.2** All waste must be stored either within the building or within the designated covered and walled external storage bunkers.

**03.3** Trucks entering and leaving the premises must have their loads covered, except during material inspection, unloading and loading.

**03.4** No waste is permitted to be stored outdoors except the storage within the designated covered and walled external storage bunkers.

**03.5** The height of any stockpile must not exceed five (5) metres.

**03.6** The licensee must install and maintain permanent stockpile height markers at the Premises. The markers must show the stockpile height limit of five (5) metres and be positioned so that a visual check can be made of all stockpiles at the premises.

## Monitoring and recording conditions

### M1 Monitoring records

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:  
in a legible form, or in a form that can readily be reduced to a legible form;  
kept for at least 4 years after the monitoring or event to which they relate took place; and  
produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;  
the time(s) at which the sample was collected;  
the point at which the sample was taken; and

# Part 4 Modification Application - EPA Comments



Notice No. - 1612422

the name of the person who collected the sample.

## M2. Requirement to monitor noise

**M2.1** Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:

- a) occur within 3 months of the premises operating at its typical planned capacity
- b) occur during a period when the premises is operating in a manner typical of its ongoing operations.
- c) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
  - 1.5 hours during the day;
  - 30 minutes during the evening; and
  - 1 hour during the night.
- d) occur for two consecutive operating days.

## Reporting conditions

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

## R2 Noise Monitoring Report

**R2.1** A noise compliance assessment report must be submitted to the Appropriate Regulatory Authority within 30 days of the completion of the noise monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1 and L3.3.

# Attachment – Mandatory Conditions for all EPA licences

## Operating conditions

### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

# Part 4 Modification

## Application - EPA Comments

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Notice No. - 1612422

- c. must be maintained in a proper and efficient condition; and
- d. must be operated in a proper and efficient manner.

## Monitoring and recording conditions

### Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### *What documents must an Annual Return contain?*

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### *Period covered by Annual Return*

# Part 4 Modification

## Application - EPA Comments

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Notice No. - 1612422

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

### ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

### ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee’s control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

# Part 4 Modification

## Application - EPA Comments

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Notice No. - 1612422

### ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
  - b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **General conditions**

### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

# Part 4 Modification Application - EPA Comments

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Notice No. - 1612422

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

# ATTACHMENT B

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

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Notice No: 1599416

Penrith City Council  
PO Box 60  
Penrith NSW 2751

Attention: Kathryn Saunder

Notice Number      1599416  
File Number        EF18/6342  
Date                 15-Sep-2020

**Re: Resource Recovery Facility for Processing a Maximum of 95,000 Tonnes Per Year of Construction & Demolition (C&D) & Commercial & Industrial (C&I) Waste including Conversion of Existing Dwelling to Office, Internal Driveways, Car & Truck Parking Areas & Associated Infrastructure**

### **Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the development application **DA20/0262** and accompanying information, including Environmental Impact Statement 191318\_EIS\_Rev2 dated May 2020 ('the EIS'), provided for the resource recovery facility at 344 Park Road Wallacia NSW 2745 ('the premises'). The application was received by the Environment Protection Authority (EPA) on 22 May 2020, with additional information received on 5 and 18 August 2020.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. Gateway Development Pty Ltd ('the Applicant') will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at **Attachment A**. If Penrith City Council ('Council') grants development consent for this proposal, these conditions must be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information that has been provided to EPA. In the event that the development is modified, either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, Council will need to consult with EPA about the changes before granting consent. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

# General Terms of Approval - Issued



Notice No: 1599416

In assessing the proposal EPA has also identified a number of environmental issues that Council may wish to consider in its overall assessment of the application. These issues include:

- 1. Recovered aggregate stockpile** - The applicant's letter dated 5 August Ref: 191318\_Let5\_EPA\_Rev1 ('the applicant's letter') describes on page 2, a 2,000-3,000 tonne stockpile currently at the premises intended to be spread on site. The applicant's letter advises that sampling and analysis of the material conducted on 10 July 2020 confirms that the material meets all chemical and other material requirements for recovered aggregate under the *NSW EPA Recovered Aggregate Order 2014* ('the Aggregate Order'). If the material meets requirements in the Aggregate Order, the material may be used on site in accordance with the *NSW EPA Recovered Aggregate Exemption 2014* ('the Aggregate Exemption') for the purposes stated therein.
- 2. Wood waste stockpiles** - The applicant's letter describes two stockpiles of wood waste intended to be sorted, screened, shredded and used as mulch on future gardens on site. Wood waste can be applied to land if it meets the requirements of the *NSW EPA Mulch Order 2016* ('the Mulch Order'), which details specific risk management protocols requirements under condition 6. If the material meets requirements of the Mulch Order, the material may be used on site in accordance with the *NSW EPA Mulch Exemption 2016* ('the Mulch Exemption') for the purposes stated therein. If compliance with the Mulch Order and Mulch Exemption cannot be achieved, the applicant may apply for a specific order and exemption from the EPA. If a specific order and exemption is not obtained, the two wood waste stockpiles would need to be disposed off-site to a lawful waste facility for that type of waste.
- 3. Building and demolition waste stockpile** - The applicant's letter describes a stockpile of building and demolition waste at the premises intended to be kept on site and processed through the facility should the development application approved. If the application is not approved, the stockpile will be removed to a lawful waste facility. If the stockpile is to remain on site and be processed through the facility, appropriate measures should be put in place to prevent environmental impacts from the stockpile whilst it is stored on site. The EPA also notes that this stockpile would be included as part of the authorised amount if it were to be processed through the licensed facility.
- 4. Water management** - It is recommended that the Applicant prepare a surface water management plan for the premises. The plan should include, but is not limited to, a water monitoring program, as referred to in the EIS, and details on how freeboard in the leachate dam will be maintained. The EPA also recommends requiring a justification that the 500 square metre size of the dam is appropriate to manage leachate runoff from the facility during wet weather.
- 5. Site Management Plans** - The EIS describes four plans to be developed for the site including an Operational Plan of Management, an Emergency Plan, a Pollution Incident Response Management Plan, and an Environmental Management Plan. If the development application is approved, the EPA requires these plans to be developed and submitted with the environment protection licence application. The EPA may incorporate aspects of these plans into conditions on the licence.
- 6. Fire guidelines** - It is recommended that the Applicant ensure it complies with the Fire & Rescue NSW *Fire safety guideline: Fire management in waste facilities 2020*. The EPA notes that this has been considered as part of the EIS and should be included in the site management plans.

# General Terms of Approval - Issued

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Notice No: 1599416

- 7. Standards for managing construction waste in NSW** - If the development application is approved and an environment protection licence is issued for the facility, the Applicant will be required to comply with the EPA's *Standards for Managing Construction Waste in NSW* (the Standards). The EPA notes that the Standards have been considered as part of the EIS and details on how these will be complied with should be included in the site management plans.

If you have any questions, or wish to discuss this matter further please contact Carla Thomas on (02) 9995 5302.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Lesley Corkill'.

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**Lesley Corkill**

**Unit Head**

**Regulatory Operations Metro - West**

(by Delegation)