

Metal Recycling Services

Sell and Parker Pty Ltd • 98 000 101 315
Sell and Parker Holdings Pty Ltd
Precision Oxycut
Lorross Pty Ltd
Sell and Parker (International) Pty Ltd

11 Meadow Way
Banksmeadow NSW 2019

AUSTRALIA

PO Box 755 Matraville NSW 2036

www.sellparker.com.au

Telephone (02) 9316 9933

Facsimile (02) 9316 8133

3 September 2015

Mr David Mooney
Team Leader – Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

David.Mooney@planning.nsw.gov.au

Dear David

RE: Kings Park Waste Metal Recovery, Processing and Recycling Facility (SSD_5041)

Response on

EPA Response to Submission letter dated 28 July 2015
Blacktown City Council Response to Submission dated 20 July 2015
DPI Water Email dated 29 July 2015

Further to our meeting with the Department of Planning on 17 August 2015 on the above SSD_5041, we provide the below comments and reports to enable the Department to determine the application.

EPA Response

Acoustic

The EPA acoustic issues are addressed in the Renzo Tonin & Associates acoustic letter and revised report dated 3 September 2015.

Air Quality

The EPA air quality issues are addressed in the ERM Air Quality Revised Assessment dated September 2015.

1. *The EPA recommends the proponent provide clarification on the TSP emissions used in the air dispersion modelling from the hammermill stack. Emission concentration of 2 mg/m³ is considered to be low and the manufacturer's guarantee should be included as an appendix for transparency. It should be noted that the TSP emission concentration of 100mb/m³ in Appendix A will not comply with the POEO (Clean Air) Regulation's standard of concentration.*

The manufacture has provided a guarantee that the system will achieve the standard contained in the regulation which is 20mg/m³ of TSP from the hammermill stack. The previously detailed 2 mg/m³ was a typo and should have read 20mg/m³. This is detailed on page 14 and Appendix E of the report.

2. *Additionally, NO₂ and Type 1 and 2 substances should also be assessed against the POEO (Clean Air) Regulation in the AQA for completeness.*

There is no Clean Air regulation applicable for this situation as the regulation only applies to emissions from a stack or vent. This is detailed on page 15. We have assessed Type 1 and Type 2 substance on page 14 and this demonstrates compliance.

3. *In order to provide an assessment of acute exposure to iron (metallic), titanium, vanadium and zinc similar to the air toxics assessed in the AQA, the EPA recommends assessing the 1-hour average predictions against the half hour average Ontario limits.*

These average predictions are detailed on page 17 and 18 of the report and Table 5.8 on page 48 and demonstrate compliance.

4. *The EPA recommends that if the revised assessment of acute exposure show values approaching the relevant criteria, the downstream sources must be included in the assessment.*

The revised assessment of acute exposure does not show values approaching the relevant criteria. This is detailed on page 17 and 18 of the report and Table 5.8 on page 48.



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Quarterly reporting of 24 hour average data and any stoppages of work will be reported on the company's website as well as in the annual returns.

We will supply the information to the EPA as required, however will not agree to providing company sensitive information in a public arena that will disadvantage our operations.

An Air Quality Management plan should be developed with details of the mitigation measures implemented on site such as the proposed real time dust management system.

An Air Quality Management Plan can be prepared and actioned as part of the installation process once all testing and validation results have been completed and base line data becomes available.

Stormwater

As discussed with the Department of Planning the EPA Stormwater issues are addressed via a Stormwater Management Concept Plan by ERM dated 3 September 2015 which is aimed at having the Department appropriately condition the stormwater concept requirements and allow appropriate issues to be dealt with in the EPA license.

Blacktown City Council response

The issues raised in the BCC response relate to

1. A Stage 2 Detailed Site investigation requirement.

In the NSW Land and Environment Court case

Matter Number 10204 of 2000
Judge Lloyd J
Decision Date 11 May 2001

The judge ruled that the requirement for a groundwater testing investigations condition (Stage 2 Detailed site investigation) was not required and the condition was deleted.

The same position as this ruling should be applied to not requiring and therefore deleting the Council imposed condition for a Stage 2 Detailed Site Investigation.

The relevant court ruling conditions are detailed below and a copy is also attached.

Condition 9 (i)

55.

The evidence shows that storm water goes through the ground and then into the detention dam, but the naturally occurring metals in the groundwater commonly exceed the ANZEC Guidelines. This is commonly the case throughout western Sydney. The minerality of the soil is a result of the weathering process of the underlying Wianamatta shale. I thus accept the applicant's condition, that for this reason, the condition as proposed by the council cannot be met. Condition 9 (i) is amended accordingly to reflect these conclusions

56.

The council seek to impose a condition that, as part of the Erosion and Sediment Control Plan described in Condition 9(h), provision must be made for the modelling of storm water pollution and to specify what the model must show.

57.

I note that an Erosion and Sediment Control Plan is required by condition 03.1 of the EPA's General Terms of Approval and that it must be prepared in accordance with the requirements for such plans outlined in the so-called "Blue Book": Managing Urban Stormwater: Soils and Construction. In light of the expert evidence adduced during the hearing I see no reason to impose different or other requirements. This condition, in my opinion, is not required and is deleted.

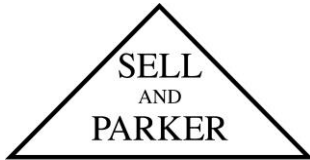
2. Issues relating to the proposed Eastern boundary acoustic wall impacting the overland flow path.

Attached please find a letter and report from Renzo Tonin dated 3 September 2015 that addresses this issue.

3. Stormwater Management Plan

Further to a meeting with EPA, Sell and Parker have upgraded the stormwater requirements as requested by EPA. The BCC comments detail that they do not agree with the EPA specified Stormwater Management Plan.

The Department of Planning will be required to make a ruling on this matter as the BCC requirements conflict with the EPA requirements.



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DPI Water response

The DPI Water issues are addressed in the ERM letter dated 3 September 2015.

Please let us know if you require any further information, we would be more than happy to meet with you to provide any further detail or clarification required to assist the Department of Planning with determining this State Significant Development.

Once again, your focus and prompt attention to this application is greatly appreciated.

I can be contacted on 02 9316 9933, 0419 771 550 or catherinem@sellparker.com.au.

Regards

Catherine Maddox
Property and Development Manager

Enclosed

- *Renzo Tonin Acoustic Letter 3 September 2015*
- *Renzo Tonin Revised Acoustic Report 3 September 2015*
- *ERM Air Quality Assessment Revised 3 September 2015*
- *ERM Stormwater Concept Plan 3 September 2015*
- *Excerpt from 2001 LEC Ruling*
- *ERM Response to DPI Water letter dated 3 September 2015*