



Eastern Creek Recycling Ecology Park Mod 11

Timber picking station project
State Significant Development Modification Assessment
(06_0139-Mod-11)

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Cover image: Aerial photograph of the Eastern Creek Recycling Ecology Park and surrounds (Source: Nearmap)

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Glossary

Abbreviation	Definition
Applicant	Bingo Recycling Pty Ltd
Council	Blacktown City Council
Department	Department of Planning and Environment (DPE)
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence
I&E SEPP	State Environmental Planning Policy (Industry and Employment) 2021
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Eastern Creek Recycling Ecology Park (06_0139).

The modification application (MOD 11) seeks approval to install and operate a manual picking station and associated infrastructure to provide further separation of timber waste following optical sorting in Materials Processing Centre 2 (MPC2).

The application was lodged on 06 June 2022 by Dial-A-Dump Industries (EC) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant owns and operates the Eastern Creek Recycling Ecology Park (REP), which was previously known as the Genesis Waste Management Facility. The site is located at 1 Kangaroo Avenue, Eastern Creek, within the Blacktown local government area and is shown in **Figure 1**.



Figure 1 | Regional Context Map

The site was known as the Pioneer Quarry between the 1950s and 2005 when it was operated as a hard rock (breccia) quarry by Hanson Construction Materials Pty Ltd. Following the cessation of extractive operations, the site was sold to ThaQuarry Pty Ltd (now Dial-A-Dump Industries). The Dial-A-Dump Industries Group was acquired by Bingo Industries (Bingo) in February 2019.

The site is now occupied by the Eastern Creek REP which is a resource recovery and non-putrescible landfill facility permitted to accept up to 2,000,000 tonnes per annum (tpa) of solid (non-putrescible) and asbestos waste. The resource recovery arm of the REP comprises two Materials Processing Centres

(MPC1 and MPC2), a Segregated Materials Area (SMA) and a Pre-Sort Enclosure (PSE). The Applicant holds two Environment Protection Licences (EPL) (EPL number 13426 and EPL number 20121) to carry out scheduled waste activities at the site.

Modification 8 approved the installation of advanced sorting and recycling equipment within MPC2, as well as enclosed outfeed conveyors to transport sorted waste from MPC2 to other locations within the REP, including MPC1, outdoor stockpiles, and the landfill. The waste recycling undertaken within MPC2 involves the use of shredding and screening equipment, and advanced sorting plant including eddy current separators, optical sorters and x-ray sorters. This modification application seeks to add an additional step of manually separating natural timber (recyclable) from engineered timber (non-recyclable) to increase the resource recovery rate of timber from MPC2.

1.2 Subject Site

The site covers an area of approximately 120 hectares (ha), however the operational components of the REP are contained within an area of 52 ha. The operational components consist of the landfill (quarry void), the resource recovery facilities and associated infrastructure. Several minor components outside of the operational area include the stormwater detention basins, parts of the north-west amenity screening berm and the sewer line.

The site falls within the land identified as the Western Sydney Employment Area (WSEA) under State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP). The I&E SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage, or cultural value within the WSEA. The I&E SEPP also makes a specific provision (Schedule 1, Clause 1) for a non-putrescible landfill on the site.

The site is located near major transportation infrastructure, including the M4 Motorway 300 metres (m) to the north and the M7 Motorway two kilometres (km) to the east (see **Figure 2**). The site is located 36 km west of the Sydney central business district.

The closest residential area is in Minchinbury approximately 400 m north of the site, just north of the M4 Motorway. Residences in Erskine Park are approximately 1.25 km to the west. Vacant industrial land owned by Jacfin and Sargents is located to the west and south and is identified for industrial and employment uses. An energy from waste facility is proposed to the south, adjacent to the site. A 132 kilovolt (kV) electricity transmission line traverses land approximately 300 m to the west.

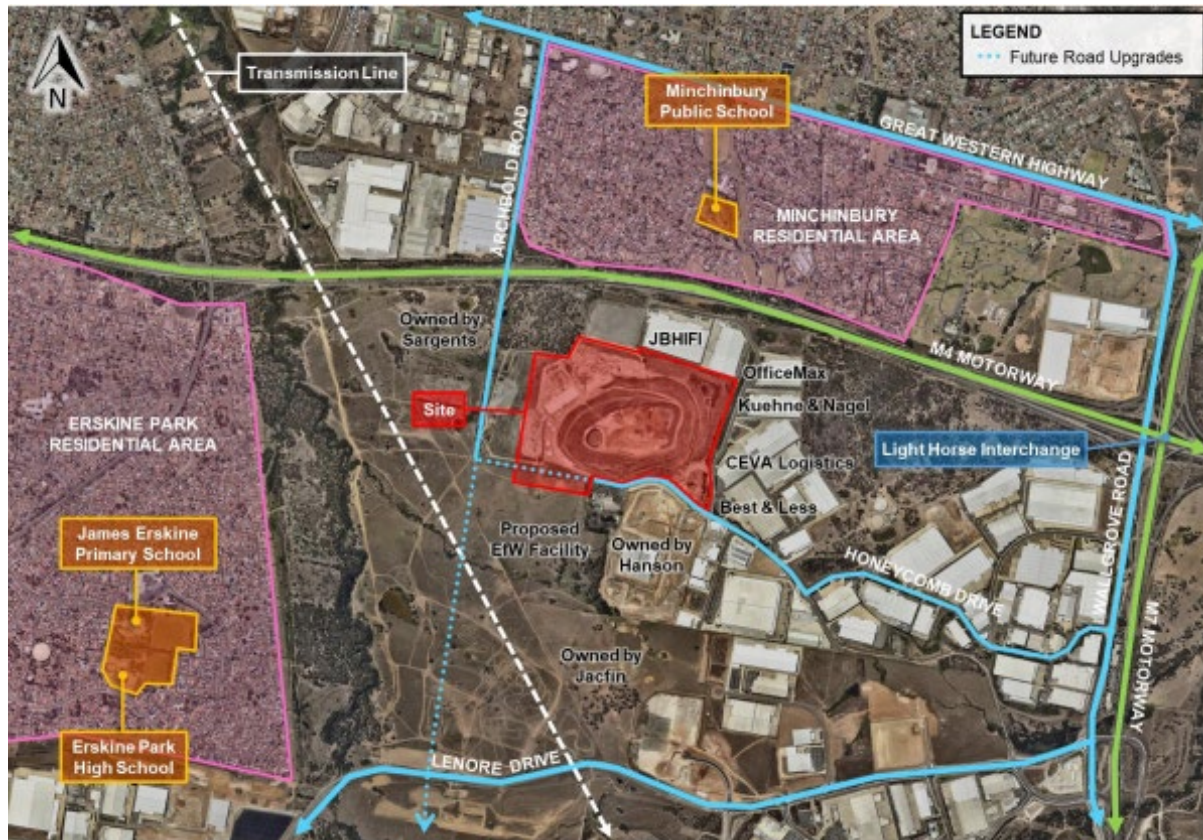


Figure 2 | Local Context Map

1.3 The Applicant

The Dial-A-Dump Industries Group, which was acquired by Bingo in February 2019, provides waste removal, transfer, and disposal services in New South Wales and Victoria, primarily in the construction and demolition sector. Dial-A-Dump Industries owns and operates the Eastern Creek REP. The resources recovered at the Eastern Creek REP are then sold and include woodchip, mulch, road base, aggregates, soil, and sand.

1.4 Approval history

Both the resource recovery facility and the landfill operate under a single Ministerial approval (06_0139) granted on 22 November 2009 under the former Part 3A of the EP&A Act. In summary, the Project Approval permits:

- a throughput capacity of 2,000,000 tpa of non-putrescible waste for the site
- of the 2,000,000 tpa accepted at the site, landfilling in the quarry void is permitted up to 1,000,000 tpa of non-putrescible waste (including asbestos and other non-recyclable waste)
- two MPCs which recover recyclable material from comingled commercial and industrial (C&I) and construction and demolition (C&D) waste
- crushing, grinding, and separating works to process waste masonry material
- stockpiles for 50 tonnes (t) of tyres and 20,000 t of green waste.

The Project Approval has been modified on eight occasions. One modification application (MOD 9) is currently being prepared by the Applicant and one modification application (MOD 12) was submitted to the Department in late August 2022. A summary is provided in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Date
MOD 1	<ul style="list-style-type: none"> • installation of conveyor and chute • permit two-way traffic on Fourth Avenue • construction of concrete bay walls within the Green Waste Processing Area • relocation of the wheel wash 	30 September 2010
MOD 2	<ul style="list-style-type: none"> • administrative amendment to correct the land (lot and DP) to which the project applies 	9 November 2010
MOD 3	<ul style="list-style-type: none"> • amendments to final landform level of the fill pad at Area D • revision of operational landform levels and the site's • stormwater design • revision of the Voluntary Planning Agreement (VPA) • retrospective approval of various buildings/structures, including: <ul style="list-style-type: none"> - additional internal office and external amenities at the weighbridge - new administration and amenities buildings - relocation of the vehicle turning bay 	5 December 2011
MOD 4	<ul style="list-style-type: none"> • extension of the operating hours for the MPC1 	14 December 2013
MOD 5	<ul style="list-style-type: none"> • construction of a PSE adjacent to the MPC1 	17 March 2016
MOD 6	<ul style="list-style-type: none"> • increase the proportion of the annual waste receival limit that can be landfilled from 700,000 to 1,000,000 tpa • extension of the operating hours of certain activities • amend the noise limits 	29 April 2020
MOD 7	<ul style="list-style-type: none"> • modifications to the site entry point and the site layout 	Withdrawn on 12 July 2019

Mod No.	Summary of Modifications	Approval Date
MOD 8	<ul style="list-style-type: none"> change the use of the PSE building approved under Mod 5 to a second MPC (referred to as MPC2) construct awnings on the northern, eastern, and western elevations of MPC2 construct a concrete apron, storage bays and an amenities building, to the eastern side of the MPC2 install advanced fixed waste recycling plant and outfeed conveyors changes to the tip floor operations relocate car parking and weighbridges provision of 122 car parking spaces 	3 March 2021
MOD 9	<ul style="list-style-type: none"> expansion of the operational boundary of the site to relocate existing waste processing activities, including two new buildings, an extension of the road network and new hardstand area 	Proposed
MOD 10	<ul style="list-style-type: none"> install and operate two permanent enclosed landfill gas (LFG) flares install supporting infrastructure for the flares, including: <ul style="list-style-type: none"> engineered concrete hardstand base for flares a stainless-steel condensate knockout pot 1.8 m high palisade security fence around the flare compound a new 450 mm main header line connecting the existing LFG collection system in the landfill void to the new flares decommission the four temporary LFG flares located in the landfill void 	11 March 2022
MOD 12	<ul style="list-style-type: none"> relocate LFG flares, infrastructure and compound decommission remaining temporary LFG flares located in the landfill void 	Application submitted August 2022

In addition, a separate SSD application (SSD-11606719) for the site is currently under assessment. This SSD seeks approval to increase the throughput of the REP from 2 million tonnes of waste per annum to 2.95 million tpa, including the upgrade of supporting site infrastructure.

2 Proposed modification

2.1 Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to install a manual picking station to provide further separation of timber products following optical sorting in MPC2. The modification is described in full in the Statement of Environmental Effects (SEE) included in Appendix A and is illustrated in Figure 2 and Figure 3. The modification seeks to:

- install and operate a fully enclosed, elevated manual timber picking station with a throughput capacity of 60 tonnes per hour, at a location adjacent to the Northern side of MPC1
- redirect existing enclosed conveyors from MPC2 to the picking station, with the addition of surge feeders and incline conveyors.
- install enclosed output conveyors from the picking station to distribute sorted materials to either external stockpiles (natural and engineered timber), further processing in MPC 1 (other recyclable materials) or the landfill (residuals).
- create 2 full-time equivalent jobs for operation of the picking station



Figure 2 | Proposed modification

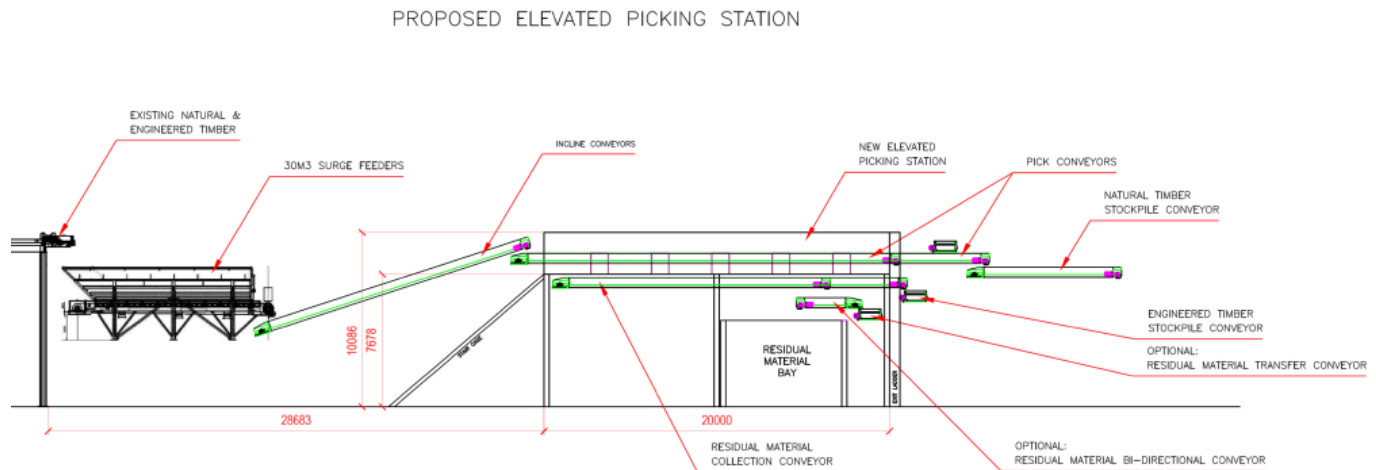


Figure 3 | Proposed picking station and conveyor system

2.2 Applicant's Justification for the Proposed Modification

Modification 8 approved the installation of advanced sorting and recycling equipment within MPC2. Upon commissioning, the operator identified that the actual performance of the optical sorters was below the anticipated design performance. This resulted in a high rate of contamination within the timber streams and an increased volume of recoverable timber being sent to landfill.

This modification proposes to direct all timber waste to a manual picking station for further separation of engineered timber from natural timber. This would also enable removal of small quantities of residual waste that remain in the product stream. The modification will result in a higher quality end product with the aim of achieving the operational performance targets anticipated for Modification 8 and increasing the REP's contribution to the State's resource recovery and landfill diversion targets.

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the development

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new DA to be lodged.

3.2 Consent Authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 26 April 2021, the Principal Planning Officer, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of 06_0139. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Part 3A Transition to State Significant Development

This project was originally approved under the former section 75J of the EP&A Act and was a transitional Part 3A project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation). Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018. In order to modify a transitional Part 3A project

approval, the Minister for Planning can declare the development to be SSD by order under clause 6 of Schedule 2 of the EP&A (ST&OP) Regulation. If a declaration is made the project approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant criteria.

The Director, Industry Assessments (as delegate of the Minister for Planning), made an order under clause 6 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of project approval 06_0139 to be SSD. The order was published in the NSW Government Gazette (Gazette No 246) on 2 October 2020 and took effect from that date.

The effect of this order is that this project approval is taken to be a development consent under Part 4 of the EP&A Act for the carrying out of the development.

3.5 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The site is highly modified and contains exotic grasslands with pockets of degraded native vegetation. The Applicant has advised that no native vegetation would be impacted by the modification.

The Department considers the modification would not impact vegetation integrity and abundance, habitat suitability and connectivity, threatened species abundance and movement, flight path integrity or water sustainability. The site is located on a disturbed site as it operated as a hard rock quarry for over 50 years prior to becoming a waste management facility. The modification would not increase the footprint of the development, or the overall site processing capacity. Further, no additional vegetation would be removed as a result of the modification.

For the reasons discussed above, the Department's assessment concludes a BDAR is not required for the proposed modification as it will not increase the impact on biodiversity values.

4 Engagement

4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale, and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see Section 4), the application was not notified or advertised. However, it was made publicly available on the Department's website on 14 June 2022 and was referred to the EPA and Blacktown City Council for comment.

4.2 Agency Advice

Council did not object to the modification, however requested specific notification of the modification to the Minchinbury community and provided a number of recommended conditions of consent relating to environmental pollution.

The **EPA** did not object to the modification, however raised concerns with potential noise impacts and requested further detailed noise impact assessment.

The Department requested an impact assessments for noise and air quality, updated site plans to reflect both the existing and proposed infrastructure at the site, and clarification of whether the existing and proposed conveyors and associated infrastructure would be enclosed.

4.3 Response to Submissions

On 8 July 2022 the Applicant submitted a response to the issues raised by the EPA and the Department, as well as the conditions recommended by Council. The response was made publicly available on the Department's website and was referred to the EPA for comment.

The RtS clarified that the existing and proposed conveyors will be enclosed, with the exception of the surge feeders. The RtS included updated site plans and a combined Noise and Air Quality memorandum.

The **EPA** advised the noise memorandum addressed the concerns raised and that the modification proposal is unlikely to significantly change the noise emissions from the premises.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE and RtS provided to support the proposed modification (see Appendix A)
- documentation and Department's assessment report for the original DA and subsequent modification application(s) (see Appendix A)
- advice from State government authorities and Council (Appendix A)
- relevant environmental planning instruments, policies, and guidelines
- requirements of the EP&A Act, including the Objects of the EP&A Act.

The Department's assessment of the modification is provided in Table 2.

Table 2 | Assessment of Other Issues

Issue	Findings	Recommendations
Noise	<ul style="list-style-type: none"> • The modification involves the installation of two surge feeders, conveyors and an enclosed picking station, therefore there is potential for construction and operational noise impacts. • In its modification application, the Applicant initially provided a brief discussion of noise impacts, which concluded no noise impacts are predicted and no specific noise mitigation measures are required. • Council did not raise any noise impact concerns, however recommended requirements in the event of a noise problem or complaint. • The EPA noted the modification application did not include sufficient assessment of noise impacts and requested a noise impact assessment be prepared in accordance with the Noise Policy for Industry. • The Applicant provided a noise memorandum, prepared by RWDI, which detailed the cumulative noise impacts of the existing operations and the proposed modification. • Predictions of operational noise levels at the residential receivers at Erskine Park and Minchinbury concluded the contribution of noise from the operation of the picking station would be more than 20 decibels (dB) below the night time operational noise limits established by the existing SSD consent. Therefore, it is unlikely the picking station and additional infrastructure would be audible during operation and the cumulative noise levels would not increase. • The memorandum also assessed construction noise in relation to the operational noise limits, given noise from construction of the picking station would not be discernible from the ongoing normal site operations. The assessment found construction noise levels would be more than 20dB below the daytime operational noise limits, and therefore would not increase cumulative noise or be noticeable at sensitive receiver locations. • The EPA reviewed the additional noise information and found the proposed modification is unlikely to significantly 	No additional conditions are recommended

Issue	Findings	Recommendations
	<p>change noise emissions from the premises, and raised no further concerns.</p> <ul style="list-style-type: none"> The existing consent has conditions in place to manage noise impacts at the site. Noting Council's comments on the modification, the Department notes the existing conditions include a Noise Monitoring Program with a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria. The Department's assessment concludes the potential noise impacts are negligible and can be managed through the implementation of the existing conditions. 	
Air Quality	<ul style="list-style-type: none"> The modification involves amendment of the existing enclosed conveyor system and the installation and operation of the picking cabin, which has the potential to generate air quality impacts. Following review of the modification application, the Department requested further information on the conveyors and a full assessment of the potential dust and odour impacts of the proposed picking station and associated infrastructure, including the surge feeders. The Applicant provided an air quality memorandum prepared by RWDI which considered the installation and operation of the new equipment. The memorandum was a qualitative assessment based on the quantitative Air Quality Impact Assessment (AQIA) completed for Mod 6. The air quality memorandum clarified that all existing and new conveyors would be enclosed. The feeder surge bins would not be enclosed, however, they would not generate any significant dust as the drop heights are small, the surge feeder conveyors are screened by the sides of the bins and the MPC1 building enclosure would operate as a significant windbreak. Additionally, the assessment determined the dust emissions from the surge feeders would be less than 0.11% of daily emissions. Hence, the air quality memorandum concluded the modification proposal is unlikely to cause additional air quality impacts. Council and the EPA did not raise any air quality concerns. The Department considers the modification would not significantly increase air quality impacts beyond what has already been assessed and approved, as the processing activities would remain within an enclosed building. While the feeder surge bins are not enclosed, they would not generate any significant dust due to their design. Additionally, dust emissions were estimated to be 0.11% of typical daily emissions, which is considered insignificant. The Department's assessment concludes the potential air quality impacts are negligible and can be managed through the implementation of the existing conditions of consent. Notably, the consent requires operational management plans, such as the Air Quality Management Plan, to be reviewed and, if necessary, revised following a modification. 	<p>No additional conditions are recommended</p>

Issue	Findings	Recommendations
Traffic and Parking	<ul style="list-style-type: none"> • The proposed modification would require two additional full time equivalent staff to operate the picking station, resulting in two additional light vehicle traffic movements per day, which is considered negligible. • The proposed modification would not result in any additional heavy vehicle movements. • Adequate parking is available for the additional staff within the existing parking spaces and the additional spaces approved under Modification 8. • The Department's assessment concludes the modification would not result in significant additional traffic impacts and no additional conditions are recommended. 	No additional conditions are recommended

6 Evaluation

The Department has reviewed the SEE, RtS and advice from Council and the EPA. The Department has taken into consideration the relevant matters under section 4.15 of the EP&A Act and the objectives of the EP&A Act.

The Department considers the modification is appropriate on the basis that :

- it would allow for a more efficient resource recovery process at the site, which may result in increased recovery rates and more diversion from landfill
- it is generally consistent with the objectives of the strategic planning framework, including A Metropolis of Three Cities, the Central City District Plan and the NSW Waste and Sustainable Materials Strategy 2041.
- it would not significantly increase the environmental impacts of the development beyond those assessed under the original development application.

Overall, the Department is satisfied the impacts from the modification can be appropriately managed through the existing conditions of consent. It is therefore recommended the modification should be approved, subject to conditions.

7 Recommendation

It is recommended that the Principal Planning Officer, Industry Assessment as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application Eastern Creek Recycling Ecology Park Mod 11 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent 06_0139
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Zoe Halpin
Planning Officer
Industry Assessments



30 August 2022

Pamela Morales
Principal Planning Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'Sheelagh Laguna', is positioned above the date.

30 August 2022

Sheelagh Laguna

Principal Planning Officer

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- Statement of Environmental Effects Modification Proposal Timber Picking Station Eastern Creek Recycling Ecology Park prepared by Jackson Environment and Planning dated 30 May 2022 - <https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-rep-mod-11-timber-picking-station>

Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-rep-mod-11-timber-picking-station>

Response to Submissions

- 'Eastern Creek Recycling Ecology Park-11 (MP06_0139-Mod-11) – DPIE Request for Additional Information' prepared by Jackson Environment and Planning dated 7 July 2022 - <https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-rep-mod-11-timber-picking-station>

Department's Assessment Report for MP06_0139 and modifications

- <https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-recycling-ecology-park>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-rep-mod-11-timber-picking-station>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-rep-mod-11-timber-picking-station>