

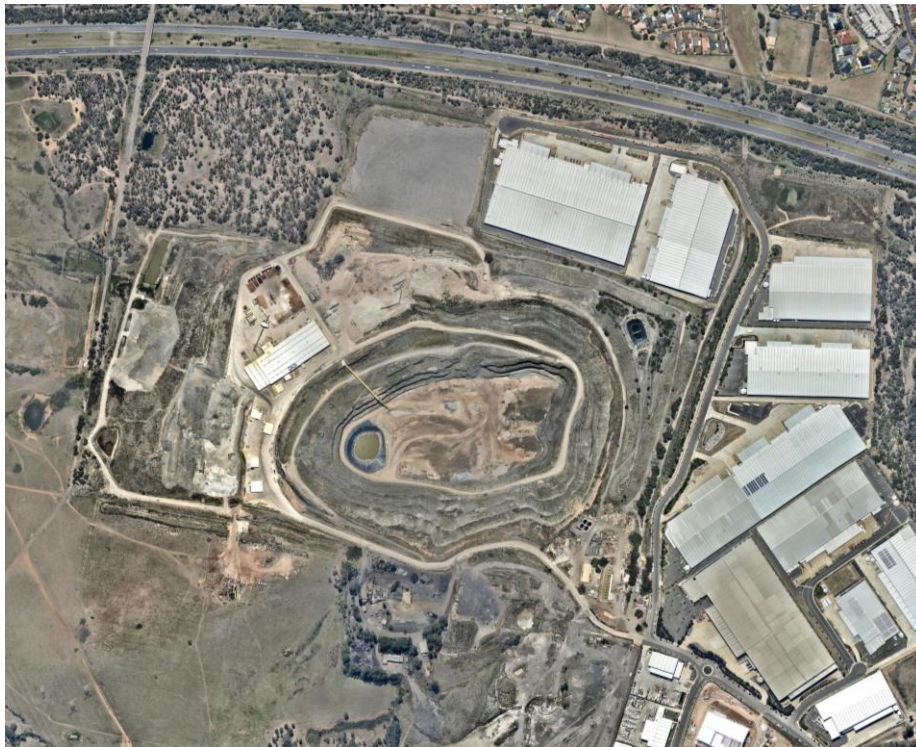


# Eastern Creek Recycling Ecology Park Mod 12

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Amendment of Approved Location of Landfill Gas Flare Compound  
State Significant Development Modification Assessment (MP06\_0139-Mod-12)

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

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# Glossary

<b>Abbreviation</b>	<b>Definition</b>
<b>Applicant</b>	Dial-a-Dump Industries (EC) Pty Ltd
<b>Council</b>	Blacktown City Council
<b>Department</b>	Department of Planning and Environment (DPE)
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPL</b>	Environment Protection Licence
<b>Minister</b>	Minister for Planning
<b>SEPP</b>	State Environmental Planning Policy
<b>SEPP (I&amp;E)</b>	State Environmental Planning Policy (Industry and Employment) 2021
<b>SSD</b>	State Significant Development

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	The Site .....	2
1.3	The Applicant .....	3
1.4	Approval history.....	4
<b>2</b>	<b>Proposed modification .....</b>	<b>6</b>
2.1	Proposed Modification.....	6
2.2	Applicant’s Justification for the Proposed Modification .....	7
<b>3</b>	<b>Statutory context .....</b>	<b>8</b>
3.1	Scope of Modifications .....	8
3.2	Consent Authority.....	8
3.3	Mandatory Matters for Consideration.....	8
3.4	Part 3A Transition to State Significant Development.....	8
3.5	Biodiversity Conservation Act 2016 .....	9
<b>4</b>	<b>Engagement.....</b>	<b>10</b>
4.1	Department’s Engagement .....	10
4.2	Government Advice.....	10
<b>5</b>	<b>Assessment .....</b>	<b>11</b>
<b>6</b>	<b>Evaluation.....</b>	<b>15</b>
<b>7</b>	<b>Recommendation.....</b>	<b>16</b>
<b>8</b>	<b>Determination.....</b>	<b>17</b>
	<b>Appendices .....</b>	<b>18</b>
	Appendix A – List of Documents.....	18
	Appendix B – Notice of Modification .....	18
	Appendix C – Consolidated Consent.....	18

# 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 (MP06\_0139).

The modification application seeks approval to amend the location of two permanent landfill gas (LFG) flares (approved under MP06\_0139-MOD 10) at the Eastern Creek Recycling Ecology Park.

The modification application was lodged on 13 September 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

Bingo Industries Pty Ltd owns the Dial-a-Dump (EC) Pty Ltd entity name 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 13426 and EPL 20121) to carry out scheduled waste activities at the site.

In March 2021, an extreme weather event caused extensive water ingress in the landfill resulting in release of odours which were detectable in the residential areas of Minchinbury, Mt Druitt, St Clair, Erskine Park, Horsley Park and Eastern Creek. The Environment Protection Authority (EPA) received 750 odour complaints (rotten egg gas, sulphur smelling and foul chemical smells) between April and July 2021 and issued a Clean-up Notice requiring the Applicant to take immediate action to control offensive odour. In May 2021, the EPA further issued an EPL variation requiring installation of a temporary LFG flare system in the vicinity of the leachate riser on the surface of the landfill void. The Applicant installed this temporary LFG collection and flare system in May and June 2021.

In September 2021, the EPA issued the Applicant a Variation Notice which placed a condition on the EPL via a pollution reduction program (PRP) requiring the Applicant to submit a modification application to the Department seeking consent for a permanent LFG flare system by 30 November 2021.

In March 2022, Modification 10 (MOD 10) approved the installation and operation of a permanent LFG collection and flare system for the site. This included:

- two permanent enclosed LFG flares, with a combined treatment capacity of 3,000 Standard Cubic Metres per hour ( $\text{Sm}^3/\text{hr}$ ) at a location approximately 50 m northeast of MPC 1
- supporting infrastructure for the flares:
  - engineered concrete hardstand base (area 19 m x 34 m) for flares (area 646  $\text{m}^2$ )
  - a stainless-steel condensate knockout pot
  - 1.8 m high palisade security fence (area 45 m x 45 m) 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

MOD 10 also approved the decommissioning of the four temporary LFG flares located in the landfill void.

## 1.2 The Site

The site comprises Lot 1 and Lot 2 DP 1145808 and Lot 2 DP 1247691, Eastern Creek in the Blacktown local government area. It is located 36 km west of the Sydney central business district and 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 screen and the sewer line.

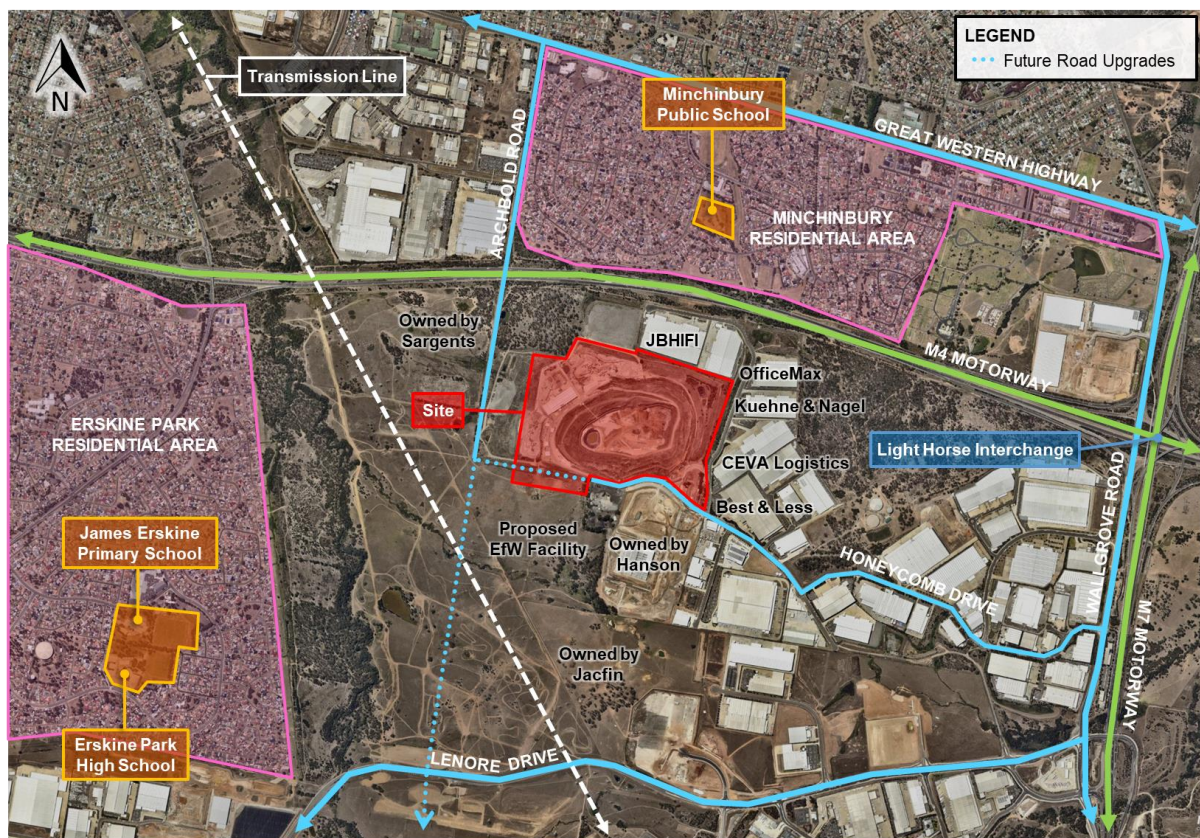
Currently, eight temporary LFG flares, the LFG collection system (extraction wells) and associated infrastructure are operating in the landfill void. Four of the temporary flares were installed following the approval of MOD 10.

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 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. A 132 kilovolt (kV) electricity transmission line traverses land approximately 300 m to the west of the site.



**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, 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 (MP06\_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 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 nine occasions. One modification application (MOD 9) is currently being prepared by the Applicant and one (MOD 13) is currently under assessment. A summary is provided in **Error! Reference source not found.**

**Table 1 | Summary of Modifications**

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

<b>Mod No.</b>	<b>Summary of Modifications</b>	<b>Approval Date</b>
<b>MOD 7</b>	<ul style="list-style-type: none"> <li>• modifications to the site entry point and the site layout.</li> </ul>	Withdrawn on 12 July 2019
<b>MOD 8</b>	<ul style="list-style-type: none"> <li>• change the use of the PSE building approved under Mod 5 to a second MPC (referred to as MPC2)</li> <li>• construct enclosed under awning areas on the northern, eastern, and western elevations of MPC2</li> <li>• construct a concrete apron, storage bays and an amenities building, to the eastern side of the MPC2</li> <li>• install advanced fixed waste recycling plant and outfeed conveyors</li> <li>• changes to the tip floor operations</li> <li>• relocate car parking and weighbridges.</li> </ul>	3 March 2021
<b>MOD 9</b>	<ul style="list-style-type: none"> <li>• 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</li> </ul>	Proposed
<b>MOD 10</b>	<ul style="list-style-type: none"> <li>• install and operate two permanent LFG flares</li> <li>• install supporting infrastructure for the flares <ul style="list-style-type: none"> <li>• engineered concrete hardstand base for flares</li> <li>• a stainless-steel condensate knockout pot</li> <li>• security fence around the flare compound</li> <li>• a new 450 mm main header line</li> </ul> </li> <li>• decommission existing temporary LFG flares</li> </ul>	11 March 2022
<b>MOD 11</b>	<ul style="list-style-type: none"> <li>• install and operate a manual timber picking station and supporting infrastructure adjacent to northern side of MPC1</li> </ul>	30 August 2022
<b>MOD 12</b>	<ul style="list-style-type: none"> <li>• amendment of approved location of LFG flares, infrastructure and compound</li> <li>• decommission remaining temporary LFG flares located in the landfill void</li> </ul>	This modification
<b>MOD 13</b>	<ul style="list-style-type: none"> <li>• production of a 'sustainable fuel' from residual waste</li> <li>• construction of shelter domes over two storage bays in the existing approved timber yard</li> </ul>	Under assessment

In addition, a separate SSD application (SSD-11606719) is currently under assessment for the site. 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 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 amend the approved location of two permanent LFG flares. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and is illustrated on **Figure 3**. The modification seeks to:

- change the approved size and location of the compound containing the two permanent enclosed LFG flares to a location opposite the new weighbridge and adjacent to the existing leachate treatment plant. The flare compound includes:
  - engineered concrete hardstand base (area 11 m x 13.8 m) for the flares (area of compound would be reduced from 646 m<sup>2</sup> to 153 m<sup>2</sup>)
  - two LFG flares (Run Energy model OEF-300) each with a capacity of 1,500 Sm<sup>3</sup>/hr
  - a stainless-steel condensate knockout pot
  - a storage shed (5 m x 5 m) for storage of general operational equipment for the flares
  - 1.8 m high palisade security fence (total length of 126 m) around the flare compound, including a 5 m double entry gate for access to the storage shed
- change the height of the approved flares from 8 m to 10 m (stack height RL 93.7 m)
- change the length and location of the main gas header line (450 mm) leading from the LFG collection system in the landfill void to the flares. The length of the main header line would be reduced from 400 m to 130 m.
- decommission temporary LFG flares located in the landfill void which were installed following approval of MOD 10.

The design parameters and operating hours for the flares would remain as approved under MOD 10:

- design parameters for each flare:
  - destruction efficiency of 98%
  - residence time of 1.55 seconds
  - combustion temperature of 900 Celsius.
  - gas collection efficiency is likely to be up to 85% over the life of the project.
- operation of permanent flares and associated infrastructure 24 hours per day

Installation of the previously approved LFG collection wells and supporting infrastructure has been completed, however installation of the header line and construction of the compound and flares in the original location has not commenced. Construction of the relocated compound and installation of the new header line and flares would take approximately two to three months.

The modification application does not seek to increase the volume or types of waste accepted at the site or the number or type of operational traffic movements.

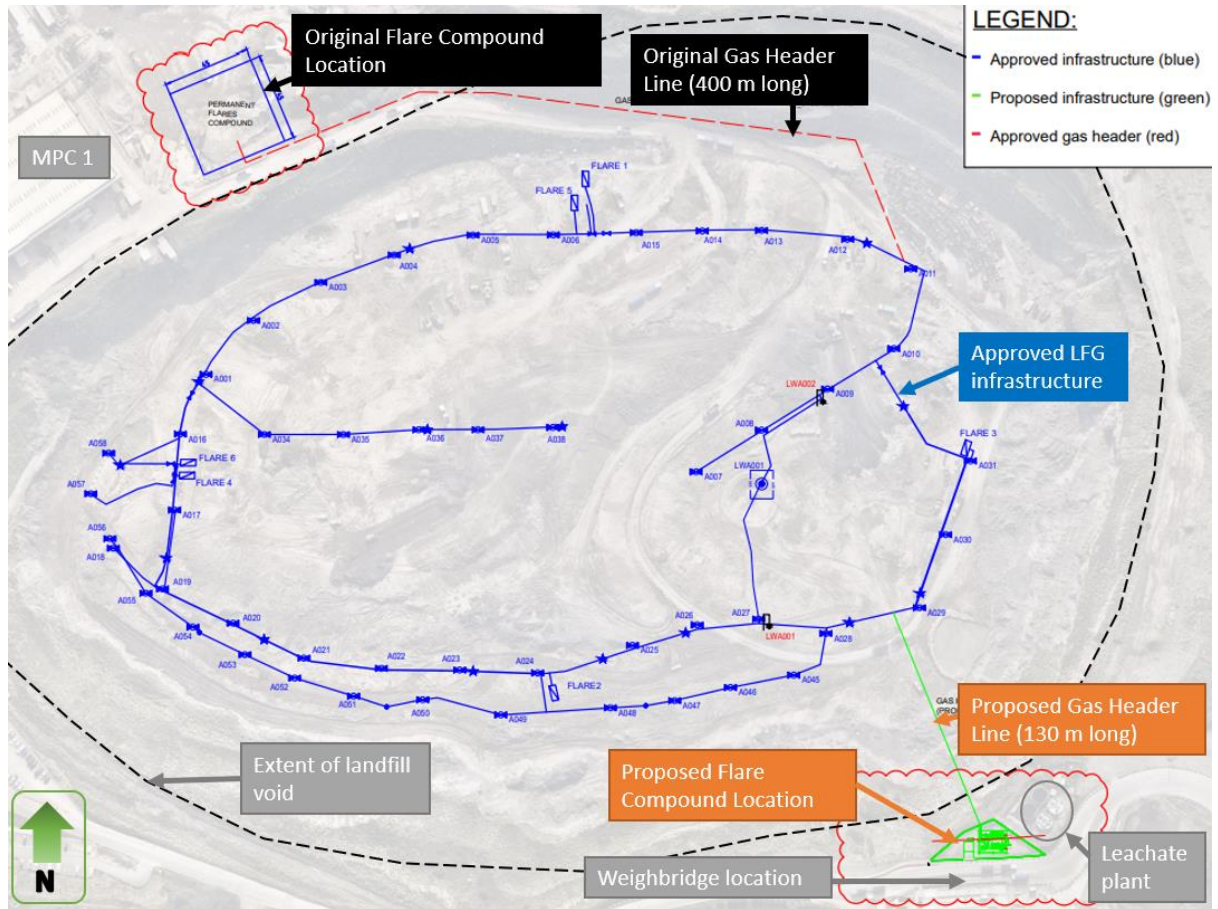


Figure 3 | Proposed modification

## 2.2 Applicant's Justification for the Proposed Modification

The Applicant is proposing to change the approved location of the flare compound in order to optimise the utilisation of land at the Eastern Creek REP and improve design, operational and environmental outcomes. The proposed new location to the south-east of the landfill void is now preferred as it would preserve land to the west of the landfill void for resource recovery activities, locate the flares further away from sensitive residential receivers and enable future connection to the electricity grid should the LFG flare system be upgraded to a co-generation plant in the future.

## 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 Team Leader, 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 conducted a comprehensive assessment of the development against the mandatory matters for consideration as part of the original assessment of MP06\_0139. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

### 3.4 Part 3A Transition to State Significant Development

The project was approved under 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 and Public Spaces 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 and Public Spaces), made an order under clause 6 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of project approval MP06\_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 2021 (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 5**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 14 September 2022 and was referred to the EPA and Blacktown City Council for comment.

### 4.2 Government Advice

**Council** did not object to the modification and provided a number of recommended conditions of consent relating to odour, noise and handling of potential pollution incidents.

The **EPA** did not have any comments on the modification, however originally provided some recommended conditions regarding post-commissioning verification of the outcomes in the Air Quality Impact Assessment (AQIA) and monitoring of the flares' performance and effectiveness following commissioning. Following subsequent review of its recommendations, the EPA updated its advice to recommend the same conditions already included under MOD 10, being the requirement to:

- install and operate the permanent flares in accordance with the relevant guidelines and legislation
- evaluate the performance of the flares following commissioning

## 5 Assessment

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

- the SEE and response 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 agencies 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 Issues**

Findings	Recommendations
<b>Air Quality and Greenhouse Gas</b>	
<ul style="list-style-type: none"> <li>• Construction and operation of two LFG flares was approved under MOD 10, however the change in location of the flares has the potential to alter air quality impacts.</li> <li>• An Air Quality Impact Assessment (AQIA) and Greenhouse Gas Assessment (GHGA) were prepared in accordance with the relevant legislation and guidelines. The AQIA and GHGA assessed the impacts of the flares at the new location and also compared these to the predicted air impacts of the flares at the original approved location (MOD 10).</li> <li>• As for the MOD 10 assessment, the AQIA divided neighbourhoods in the site’s vicinity into 13 ‘receptor zones’. In total, these zones represent 4,900 individual locations, including sensitive receivers in the residential areas of Minchinbury, Mt Druitt, Rooty Hill, Colyton, Erskine Park and St Clair.</li> <li>• The AQIA used the same flare technical input assumptions as for MOD 10, except for the height of the flares (now 10 m high rather than 8 m high).</li> <li>• The construction works for installation of the flares and associated infrastructure were deemed to be minimal and were not further assessed.</li> <li>• The key pollutants of concern were reconfirmed as Sulphur Dioxide (SO<sub>2</sub>), Nitrogen Dioxide (NO<sub>2</sub>), Carbon Monoxide (CO), Hydrogen Sulphide (H<sub>2</sub>S), Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and Total Suspended Particulates (TSP).</li> <li>• Modelling results showed the relevant maximum and annual average concentrations for SO<sub>2</sub>, NO<sub>2</sub>, CO and H<sub>2</sub>S would remain below the relevant criteria at all residential and industrial receivers and the change in flare location would have no material effect on air impacts. A number of incremental impacts were shown to be reduced, due in part to the increased flare stack height which would aid in dispersion.</li> <li>• In line with the MOD 10 AQIA, the maximum 24-hour average for PM<sub>10</sub> and PM<sub>2.5</sub> shows exceedances of the air quality criteria (50 µg/m<sup>3</sup> and 25 µg/m<sup>3</sup> respectively) due to elevated background levels detected at air quality monitoring stations near the site. For PM<sub>10</sub>,</li> </ul>	<p>No additional conditions required</p>

## Findings

## Recommendations

the addition of the predicted PM<sub>10</sub> concentrations would not result in any additional exceedances even under a conservative scenario. For PM<sub>2.5</sub>, under a worst-case scenario a nominal cumulative exceedance of the relevant criterion was predicted at receptor zone K, however there would be no additional exceedance of criteria due to the operation of the flares in the new location.

- The GHGA found no change to GHG emissions due to the modification.
- The EPA noted the proposed modification does not substantially change the impacts from the approved operations under MOD 10 and confirmed the same consent conditions it recommended for MOD 10 would continue to be appropriate.
- Council advised it had no objection to the modification and recommended conditions relating to prevention of offensive odour.
- The existing conditions require that no offensive odours be emitted from the site and that evaluation of the effectiveness of the overall LFG system occurs following commissioning of the flares. As no additional air impacts are predicted, the Department is satisfied no further measures are needed to ensure that no detrimental air quality or odour impacts occur at nearby residential areas.
- The Department concludes the air impacts would be negligible and the existing conditions of consent would adequately manage air quality and odour impacts of the modification.

## Noise

- There is potential for additional noise impacts from the construction and operation of the relocated flares, noting they would operate 24 hours per day.
- The Applicant's Noise and Vibration Impact Assessment (NVIA) assessed noise impacts from the flares in their new location and compared these to the predicted noise impacts from the original location.
- As in the MOD 10 assessment, the NVIA noted the blower and the burning flares would be the main sources of noise, with continuous sound power levels of 89 dBA and 97 dBA respectively.
- Noise levels were predicted for morning shoulder, day, evening, and night-time flare operation under both standard and noise-enhancing conditions.
- Existing approved noise limits from the EPL range between 39 dBA and 53 dBA. The criterion for industrial receivers is 68 dBA. The NVIA showed noise emissions for the operation of the flares in the new location would not contribute to any increase in noise from the site during all time periods. There would be no exceedances of the noise limits at industrial or residential receivers.
- Construction noise impacts were also assessed and found to remain below the existing noise limits.
- The EPA advised it was satisfied the modification did not appear to affect the overall noise impacts from the site.
- Council did not object to the noise impacts, however, in line with its requirements for MOD 10, requested noise validation and investigation following any noise complaint.
- The Department notes the risk of noise impacts from construction and operation of the flares at the new location remains very low. As the existing noise monitoring program already includes measures to

No additional conditions required

## Findings

## Recommendations

mitigate noise limit exceedances, no further conditions are required to ensure noise levels remain below the limits in the consent.

- The Department concludes the noise impacts of the modification would be negligible and can be managed via the existing conditions of consent.

## Hazards and Risk

- The modification involves changing the approved location of the LFG flares. In both the approved and proposed locations, there is potential for fire or explosions that could impact the locality.
- As for MOD 10, a qualitative environmental risk assessment was undertaken in accordance with the relevant guidelines. It considered key potential impacts (off-site risks to people, property, and the environment) from equipment failure, operator error and external events.
- The Applicant qualitatively assessed various worst-case scenarios and deemed these to be low risk, except LFG fire or explosion which was moderate risk.
- The assessment further identified the same range of mitigation measures as for MOD 10 to manage fire and explosion risk. These included the design of the flares in accordance with the relevant standards and inclusion of safety features.
- In addition, preliminary risk screening considered the change of compound location was not potentially hazardous or offensive as it would not trigger the provisions of SEPP 33.
- No agencies had comments on the hazard aspects of the modification.
- The Department has reviewed the information provided and is satisfied the mitigation methods and safeguards identified remain appropriate.
- Given the proposed flare locations retain sufficient distance from the site boundary, the Department agrees the proposed modification would not trigger SEPP 33 and is not considered as potentially hazardous.
- Given the existing requirement for an Emergency & Fire Response Plan, the Department's assessment concludes further hazard-related conditions are not required.

No additional conditions required

## Visual

- There is potential for visual impacts as the revised LFG flares would be 10 m high, which is 2 m higher than the flares approved under MOD 10. They are also proposed in a different location.
- The site is surrounded by amenity berms at the north, west and southern boundaries. These have a height of at least 10 m and are vegetated, providing visual screening of the site. The nearest residential receivers are located around 229 m from the site to the north in Minchinbury.
- A brief visual impact assessment was undertaken for the modification which found the combination of distance, berm height and the filtering effect of the forested area along Kangaroo Avenue would provide effective mitigation of any visual impacts associated with the permanent flares in the new location.

No additional conditions required

## Findings

## Recommendations

- Consequently, the Applicant concluded the taller flares and the change in location of the permanent flare compound would not result in any additional visual impacts.
- The Department has reviewed the information provided and notes the screening and berms provided around the site would shield any view of the new LFG flares. As existing conditions already require this screening to remain for the duration of the development, the Department's assessment concludes any visual impacts of the modification can be managed via the existing conditions of consent.

## 6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that it would:

- preserve land to the west of the landfill void for resource recovery activities
- locate the flares further away from sensitive residential receivers
- result in minimal environmental impacts beyond the approved facility.

Overall, the Department is satisfied the impacts from the modification can be appropriately managed through the existing conditions of consent. The Department is satisfied that the modification should be approved.

## 7 Recommendation

It is recommended that the Team Leader, Industry Assessments 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 12 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
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent MP06\_0139
- **signs** the attached approval of the modification (**Appendix B**).

**Recommended by:**



10 October 2022

**Sheelagh Laguna**

Principal Planning Officer  
Industry Assessments

## 8 Determination

The recommendation is **Adopted** by:



11 October 2022

**Lindsey Blecher**

Team Leader

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 Relocation of Permanent Landfill Gas Flare Eastern Creek prepared by Jackson Environment and Planning dated 19 August 2022 - <https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-ecology-park-mod-12-landfill-gas-flare-relocation>

### Agency Advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-ecology-park-mod-12-landfill-gas-flare-relocation>

### Department’s Assessment Report for MP06\_0139-MOD 10

<https://www.planningportal.nsw.gov.au/major-projects/projects/ec-rep-mod-10-landfill-gas-capture-and-treatment-project>

## Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-ecology-park-mod-12-landfill-gas-flare-relocation>

## Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/eastern-creek-ecology-park-mod-12-landfill-gas-flare-relocation>