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23 March 2017

Secretary
Department of Planning and Environment
Level 29
320 Pitt Street
Sydney NSW 2000

Dear Secretary,

REQUEST FOR ENVIRONMENTAL ASSESSMENT REQUIREMENTS: MAJOR PROJECT APPROVAL 06_139: PROPOSED MODIFICATION 7

The following correspondence serves as an amended Preliminary Environmental Assessment relating to the proposed modification of the existing (modified) Major Project Approval No. 06_139 for the Genesis Waste Management Facility located at Lots 1 and 2 in DP1145808 and part Lot 8 in DP 1200048.

The modification application will seek to undertake the following works:

- Construction of new access road (including relocation of existing weighbridges) on the northern side of the proposed Precinct Road;
- Construction of two (2) additional weighbridges to improve site access and traffic flow;
- Implementation of new above ground fuel storage tanks;
- Relocation of existing administration buildings and onsite visitor and staff car parking (including any additional parking required) generally within the vicinity of the relocated and additional (new) weighbridges;
- Modified operations to include reorganisation of existing building use and storage areas combined with the construction of new associated road network to support improved operations and vehicle movements;
- Undertake associated environmental management works to include modified stormwater management devices combined with the relocation and modification of the approved western amenity berm; and
- Realignment of the western boundary of existing Lot 1 in DP1145808.

This correspondence details the proposed use of Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify the existing approval and is intended to facilitate the issuance of the Secretary's Environmental Assessment Requirements.

1. GENESIS MATERIALS PROCESSING FACILITY AND LANDFILL

1.1. PROJECT BACKGROUND

The site is approved for and operates as an integrated waste management facility including the operation of a Resource Recovery Facility (**RRF**) and a general solid waste (non-putrescible) landfill.

The RRF includes a Materials Processing Centre (MPC) and a Waste Transfer Station and is commonly known and referred to as the 'Genesis Xero Waste Facility' or 'Genesis'. Key aspects of the Genesis' activities approved under Part 3A of the EP&A Act include:

- capacity to receive up to two (2) million tonnes of waste per annum, including inert and solid wastes from construction and demolition (C&D), commercial and industrial (C&I) waste streams complying with acceptable waste for general solid waste (non-putrescible) facilities and green waste clean ups;
- recycling of an estimated 65-80 per cent of incoming waste (1.3 to 1.6 million tonnes per annum (mtpa), based on maximum capacity intake) e.g. to produce road base, aggregate, landscaping soil, bedding sand, mulch, wood chip, green waste compost and asphalt derived products for land application;
- on-site waste processing including sorting, screening, sieving, crushing, grinding, shredding and/or chipping, and composting of green waste;
- testing and on-site storage/stockpiling of finished products prior to resale from stockpiles, predominantly to the building, construction and landscaping sectors and potentially the domestic market;
- transport of an estimated 20-35 per cent of incoming waste (0.4 to 0.7 mtpa, based on a maximum capacity intake) to the landfill located within the quarry void, comprising incoming materials which are unsuitable or uneconomical for recovery and recycling (for example contaminated soils, asbestos waste and loads that cannot physically be sorted);
- quarantine and transfer of unacceptable wastes to an appropriate off-site facility for disposal; and
- construction and operation of associated infrastructure, plant and equipment, including upgrade of the internal road network and reshaping of earthen amenity berms.

1.2. CONSENT HISTORY

The Genesis Facility was first approved in November 2009 and is referred to as MP06_139. Since this time the Major Project Approval has been modified five (5) times. A summary of the primary consent and the subsequent modifications are set out in Table 1.

Table 1 – Summary of Project Approvals and Modifications MP 06-139

Approval Date	Reference	Description of Works
22 November 2009	MP 06_0139	Construction and operation of a resource recovery and non-putrescible landfill facility known as Genesis Waste Management Facility.
30 September 2010	MP_06_0139_MOD 1	To carry out the following additional works, electrically powered conveyor and chute; postponed commencement of construction; two-way traffic on Fourth Avenue; concrete bay walls within the green waste processing area; and relocation of the wheel wash.
9 November 2010	MP_06_0139_MOD 2	Correction of mis-description of land details, to reference land being Lots 1, 2, 3 and 4 in DP 1145808
5 December 2011	MP_06_0139_MOD 3	To modify the final landform levels for fill pad at Area D combined with operational levels and site stormwater design. Combined with new minor building works to include internal office and external amenities to the Weighbridge; new amenities building; new amenities building associated with the spotter stations; new administrative/office building; new amenities at the tarp stand area; approval for the use and relocation of the vehicle turning bay which works have already been carried out. Execution of a Voluntary Planning Agreement.
14 December 2013	MP_06_0139_MOD 4	Variation to hours of operation to permit operational hours of 6am to 10pm Monday to Friday, and 6am to 4pm Weekends and Public Holidays.
17 March 2016	MP_06_0139_MOD 5	Construction of a pre-sort enclosure adjacent to the existing Genesis MPC to provide additional space for the sorting and separation of waste materials, aimed at improving recycling capability of the facility.

Approval Date	Reference	Description of Works
		The PSE duplicated the design and operation of the MPC including the delivery of dedicated plant capable of processing and separating Commercial and Industrial waste streams, including the use of the open floor to undertake final inspection of materials prior to sorting.
Not Approved, SEARs Issued	MP_06_139_Mod 6	Proposed modification to approved hours of operation.
Not Approved, Request for SEARs lodged	MP_06_139_Mod 7	modification of Schedule 3 of the Consent to support flexible landfill quantities without altering the maximum throughput of 2 million tonnes per annum.

1.3. ENVIRONMENTAL PROTECTION LICENCES

The Genesis Facility operates with two (2) Environmental Protection Licences (EPL) issued by the NSW Environmental Protection Authority (EPA). These include:

- EPL No. 20121, relates to the Recycling and resource recovery arm of the operation; and
- EPL No. 13426 relates to the management and regulation of the general solid waste (non-putrescible) landfill operation.

1.4. THE SITE

The site is located on Honeycomb Drive, Eastern Creek in the area known as the M7 Business Hub, a major employment hub for Western Sydney. The site is legally described as Lots 1 and 2 in DP 1145808 and part Lot 8 in DP1200048.

The “operational area” containing the approved resource recycling and landfill operations are located wholly within the boundaries of existing Lot 1 in DP 114508 and Lot 8 in DP1200048.

The M4 motorway runs adjacent to the northern boundary. Archbold Road forms the western boundary with a buffer of unoccupied land further to the west and open grassland to the south and along part of its eastern boundary. The remaining part of the eastern boundary of the broader site is occupied by the Hanson Asphalt Batching Plant and the Hanson yard.

Figure 1 – Cadastral and Road Layout – site shown edged red (source: six maps)

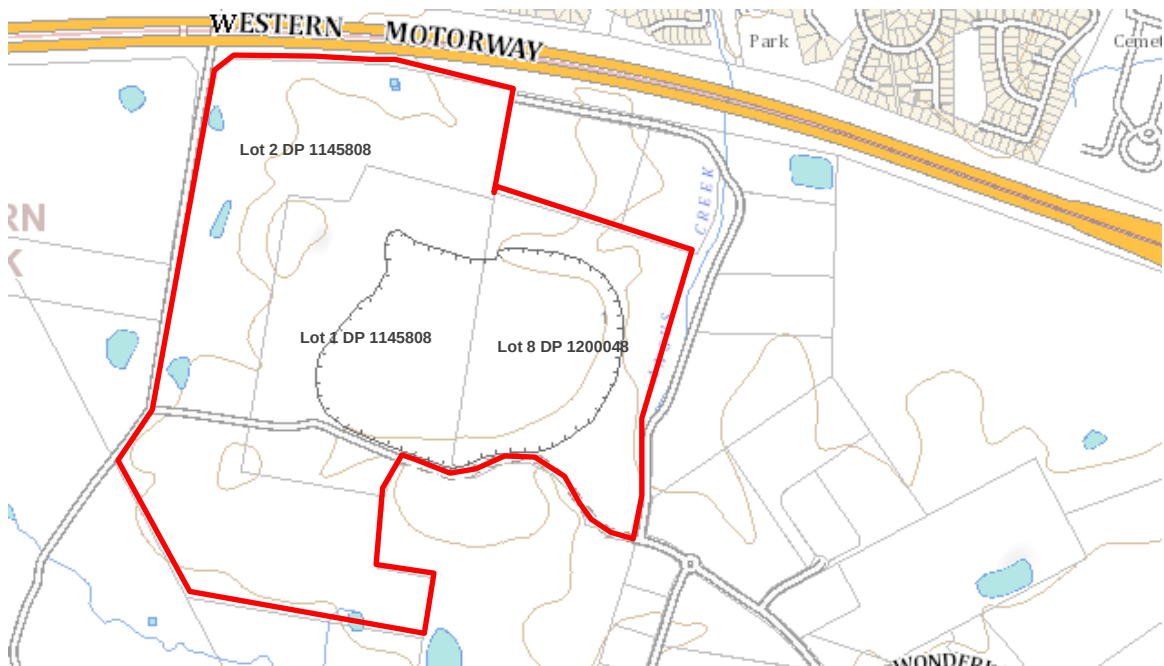


Figure 2 – Aerial Image of the site – edge in red (source: six maps)



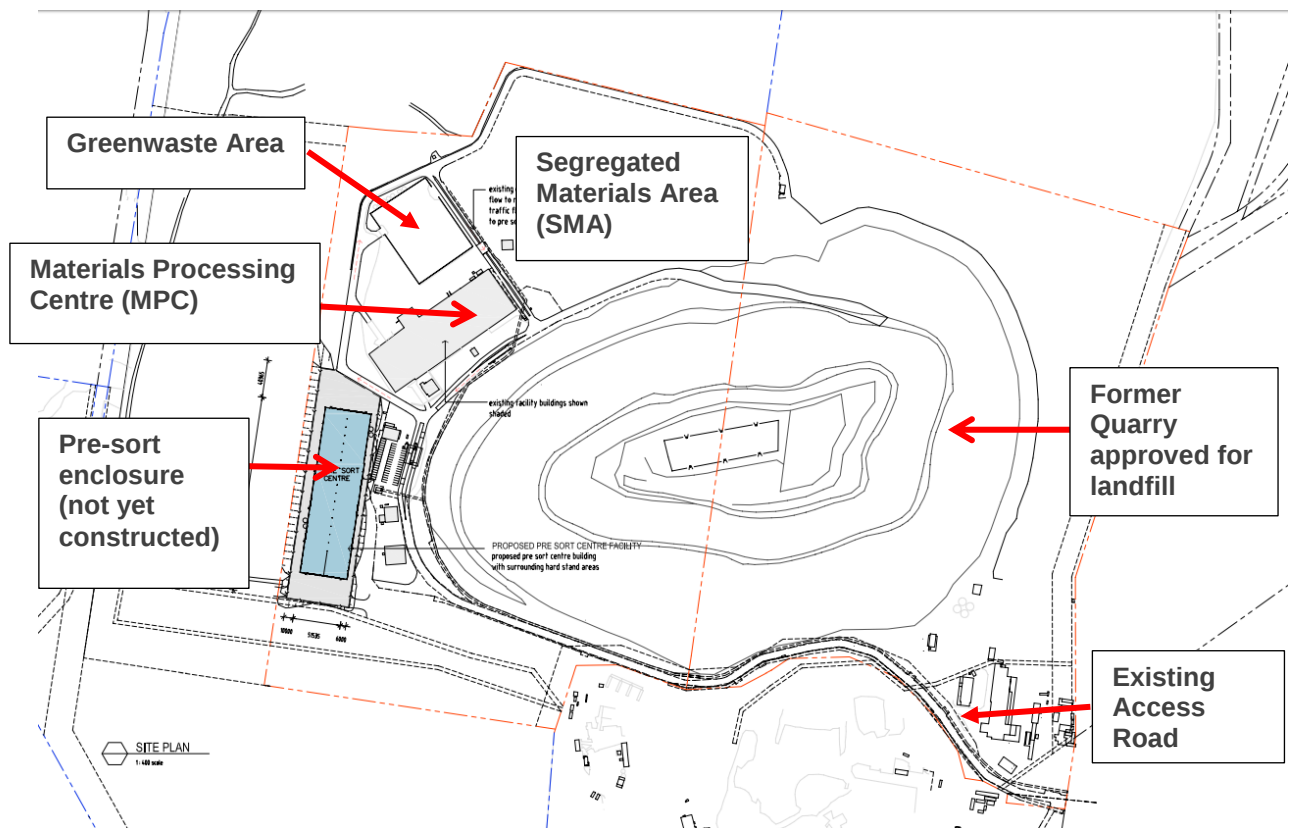
1.4.1. Existing Site Layout

The site is approved for use as a Waste Management Facility, that includes the following operations:

- a resource recovery (including the Material Processing Centre (MPC), the pre-sort enclosure (PSE) and the Segregated Materials Area (SMA); and
- a landfill.

Figure 3 shows the general layout of the existing and approved operations on site and their spatial relationship, including the MPC, the PSE, the SMA and landfill operations.

Figure 3 – Existing site layout (Source: Axis Architectural)



1.4.2. Current Operations

The Genesis facility has an ability to accept up to two million tonnes of waste per annum. Waste loads received at the facility fall in one (1) of three (3) categories, these are summarised in



Table 2.

Table 2 – Categories of Waste Received

Categories	
Segregated hard-fill materials	This is material capable of being recovered or recycled by a series of processes. Carried on externally to the MPC. After reprocessing and/or recovery, recycled hard-fill materials [brick concrete, sand, soil, stone and bitumen] are stored on-site within the segregated material stockpile area SMA until sold.
Co-mingled construction and demolition waste and commercial and industrial waste	Consisting of metals, brick, concrete, plasterboard, soil, aggregates, plastics and a range of building and demolition wastes. These materials are delivered to the Materials Processing Centre [MPC] for classification and processing.
Land-fill material	Incoming waste materials that are not recyclable are directed straight to landfill for disposal. This is due to its chemical composition and waste type or classification which requires that it be disposed of by landfilling.

1.4.2.1. Materials Receivable: Inspection and Verification

Waste materials are currently delivered to the Genesis site by a combination of light, medium and heavy vehicles, with loads typically varying from approximately one (1) to 40 tonnes (t) in weight. All waste irrespective of its category is screened to verify the contents and ensure the absence of “notifiable items”.

Wastes are inspected three (3) times before processing, the process of waste verification, acceptance and inspection generally occurs as follows:

- **Check Point 1:** As trucks enter the site they are stopped at a weighbridge, while on the weighbridge CCTV is used to visually inspect and verify the load. The visual inspection is complimented by preliminary classification of waste is based on advice from the carrier and inspection of the carrier’s documentation prepared in accordance with the EPA (2008) Waste Classification Guidelines.
- **Check Point 2:** occurs at the spotter stations where loads are visually inspected again before being tipped on the floor of the MPC or within the SMA. Spotters collect the weighbridge docket and verify the contents of vehicles (i.e. they validate that the waste loads indicated at the

weighbridge are consistent with the actual loads of the vehicles before they are permitted to unload).

Check Point 3: Where practicable mixed loads delivered to the MPC are first segregated by material type and where appropriate are placed in designated bays and bins for transport to appropriate areas for recycling, or to landfill or off-site (as required). These co-mingled loads tipped at the work floor are first mechanically and hand sorted by working from the northern to the southern end of the Building.

Mixed loads (co-mingled C&D or C&I wastes) are tipped onto the floor of the MPC where a third visual inspection takes place of the contents. Unacceptable wastes which may have eluded detection at Checkpoints 1 or 2 are identified at this point and rejected and are either re-loaded for disposal off site or disposed of to the landfill on site

Following final inspection materials are fed through the materials sorting plant. The MPC Plant sorts and processes the co-mingled materials as follows:

- Ferrous and non-ferrous metals recovered through the sorting process (generally by use of a magnet and eddy current separators) as well as plastics and paper/ cardboard are sorted, placed into bays and bins and stored until sold or transported from site for recycling by others.
- Wood waste is recovered from the mixed materials during the separation sorting process and currently that material is chipped for blending and/ or testing and resale as woodchip or for use as fuel by others.
- Small aggregates and gravel sorted by the same processes are deposited outside of the western wall of the MPC. Long Objects (usually timber) are removed at an early stage and are deposited in a bay within the building as are ferrous metals.

The inspection process would be replicated in the approved PSE that was intended to accommodate the second line of materials sorting plant (MP_06_139_Mod 5 (Mod 5)).

1.4.2.2. The Material Processing Centre (MPC) Plant

Waste received within the MPC is subject to processing by the Fixed Plant contained inside the MPC enclosure, shown in Figures 4 and 5. The Plant is a large and complex piece of fixed machinery that utilises 52 interconnected electrically driven conveyors and a range of magnets, graders, screens sieves and hand sorting stations to separate out materials for recycling and reuse.

Figure 4 – View of plant inside the MPC (from the northern end)



Figure 5 – View of plant inside the MPC (from the southern end) showing the conveyors which are electric-driven



As outlined in section 1.4.2.1 waste is screened up to three (3) times before being processed through the MPC Plant, at present the third and final stage of waste screening occurs on the floor of the MPC enclosure (refer to Figure 6)

Figure 6 – Photo of inside the MPC from the southern end



Following the final phase of screening, waste is fed into a hopper for processing by the MPC plant. Screening actions of the Plant within the MPC separate lighter materials from heavier materials and the heavier being aggregates of various sizes which are then deposited through openings in the western wall of the MPC onto the concrete hardstand and against the building wall.

The processed materials (from the MPC plant) leaving the conveyor at the rear of the MPC facility are dry materials with no odour (refer to Figures 7 and 8). 'Green' or garden waste is not processed by the Plant or conveyed to the chutes at the rear of the MPC.

The current MPC plant processes Construction and Demolition Waste and a second materials processing plant (the PSE) for the processing of Commercial and Industrial (C&I) Waste was approved as part of Mod 5 for use in the pre-sort enclosure. The C&I PSE plant will be located parallel to the existing machine, making it necessary to provide a specified sorting area outside the existing MPC enclosure. Refer to chronology of the project approval and subsequent modifications set out in Table 1.

Figure 7 – Photo showing residue waste being re-circulated and then deposited inside the MPC building.



Figure 8 – Conveyor leading from MPC

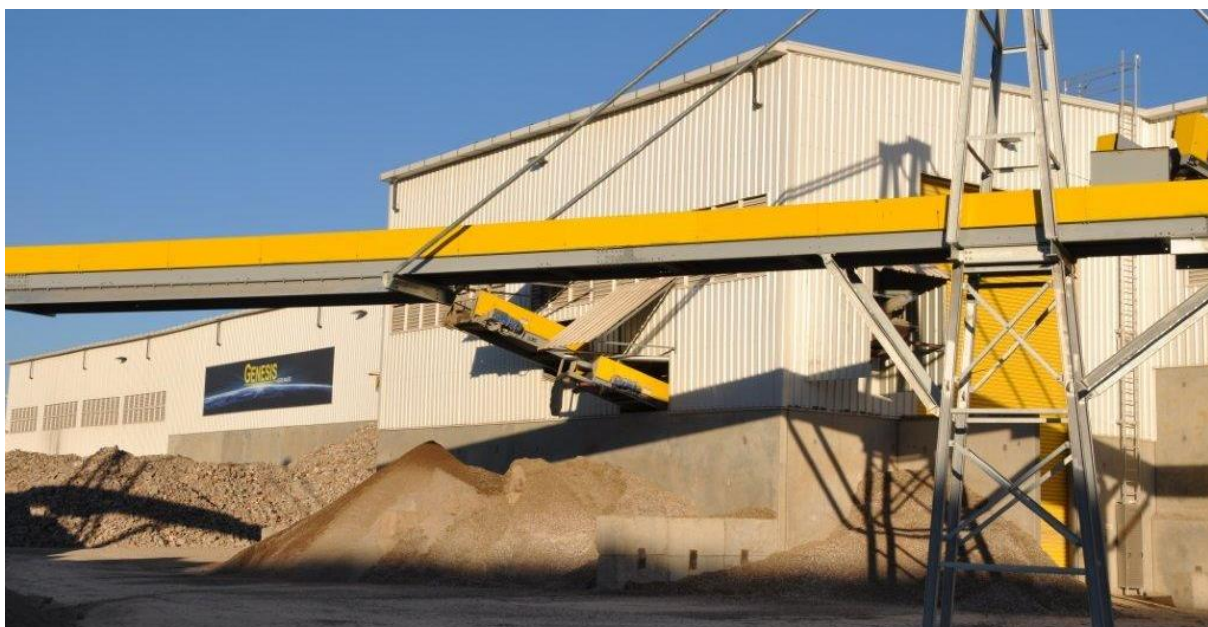


Figure 9 –Conveyor from the western side of the MPC building designed to carry small timber pieces to the SMA.



1.4.2.3. Segregated Materials Area (SMA)

Materials received within the SMA are sorted into relevant categories (i.e. brick concrete, sand, soil, stone and bitumen) for reprocessing into a variety of products for sale.

Materials received within the SMA come from two (2) sources:

- pre-sorted loads, transferred from the MPC; and/or
- direct loads of material deposited directly within the area.

The SMA is principally used for the receipt, stockpiling and dispatch of inert materials, such as sand dirt concrete, brick tiles, asphalt. From these primary materials, all different kinds of aggregates and road base can be produced. A summary of materials produced on site from recycled materials is provided in Table 3.

Table 3 – Summary of Products Produced and Sold from the Site

Product	Product Description
	10mm Aggregate A versatile, double screened recycled brick aggregate with multiple applications. Ideal for use around pipes, wet areas and decorative pathways.
	20mm Aggregate Double screened recycled aggregate sourced from concrete, asphalt and construction rubble. Perfect for drainage material, retaining wall backfill and decorative pathways.
	40/70 Aggregate Crushed recycled concrete between 40mm - 70mm. This larger-sized product is ideal for temporary site access roads (to minimise clay carryout by vehicles) and retaining wall backfill.
	Bedding Sand Suitable for pipe bedding, trench filling, slab levelling and sub-course for paving. A low-plasticity, economical and environmentally friendly alternative to virgin sands.

Figure 10 –Stockpiles of finished products within the SMA



All products produced on site are routinely tested by independent third parties to ensure compliance with any relevant resource recovery exemptions and to ensure consistent quality products are produced.

All stockpiles heights are limited to within the height of the Amenity Berms as required by the project approval and are maintained in accordance with all current legislative and regulatory requirements.

The product is produced by mobile crushers plus auxiliary equipment (such as screens, stock-pilers and re-claimers). Mobile equipment (such as loaders and excavators) used to relocate materials and product are also used within the area on an “as required” basis. An example of the stockpiled materials is shown in Figure 10.

1.4.2.4. Landfill

Any waste which cannot be recycled or re-processed through the MPC or the SMA, is referred to as residual waste and is sent to the Landfill Area. There are two (2) primary sources of landfill material, these are:

- Residual waste following processing at MPC, that is conveyed to the bottom of the landfill via a yellow chute (refer to Figure 12) referred to as the chute residual waste (CRW); and
- Waste loads which have been classified as General Solid Waste (Non-putrescible) may be directed to the landfill from third parties (refer to Figure 11).

Typically, two (2) compactors, two (2) loaders and one (1) excavator operate in the landfill (while the chute is also still operating). Under the existing operating conditions and EPL Genesis can landfill up to 700,000 tonnes of non-putrescible waste per annum.

Figure 11 – Landfill operations – showing direct delivery of waste by truck



Figure 12 – Landfill Operations – showing the operation of the waste chute from MPC





1.4.3. Approved Operations

A “pre-sort enclosure” or PSE was approved by the DPE under MP_06_0139_Mod 5. The PSE, as approved, consists of a separate enclosed building to the southwest of the existing MPC building that would accommodate a second material processing plant with associated sorting areas.

The PSE has approval to operate during the same hours as the MPC.

2. THE PROPOSED MODIFICATION

2.1. THE PROPONENT

The landowner, ACN 114 843 453 Pty Ltd and ThaQuarry Pty Ltd and own Lot 1 in DP 1145808 and Pt 8 in DP 1200048 respectively (Eastern Creek in the Blacktown local government area) being the subject land of the project.

Dial A Dump (EC) Pty Ltd, the license holder of EPL 20121 and 13426, operates a major recycling facility and general solid waste (non-putrescible) landfill facility known as the 'Genesis Recycling and Landfill Facility' at Honeycomb Drive, Eastern Creek. EPL 20121 specifically regulates the MPC operations and related materials.

The site including the surface area of the quarry is 52.4 hectares and comprises two (2) land parcels, identified as Lot 1 in DP 1145808 and part Lot 8 in DP 1200048.

2.2. PROJECT NEED

The proposed modification is seeking to relocate the existing site access road and weighbridges to facilitate the delivery of part of the Precinct Road as required by conditions 45 and 46 of Major Project Approval, MP_06_139 that state the following:

45. *Within five years from the date of this approval or when an adjoining land owner is building a precinct road to a common boundary (whichever is sooner), the Proponent shall design and construct, to the satisfaction of Council, those parts of the Precinct Plan Road network that ultimately fall within the operational area of the facility (See Appendix 3). These precinct roads shall be dedicated to council, at no charge, to form part of the public road network.*
46. *When a Precinct Plan road is constructed, the Proponent shall design and construct any new vehicular connections to the Precinct Plan Road, to the satisfaction of Council.*

Combined with facilitating the delivery of the local road infrastructure the proposal aims to improve site operations and vehicle movements through the site by delivering new roads and redesignating the use of the existing and approved operational areas.

2.3. MODIFIED SITE MASTER PLAN

2.3.1. Road access, weighbridges and associated services

Condition 45 of the Major Project Approval requires the delivery of part of a new Precinct Road to the south of the former quarry and existing landfill. DADI are currently in negotiations with Frasers who are delivering the other portion of the Precinct Road, once agreement between the parties is reached construction of the Precinct Road is anticipated to take six (6) months.

The location and alignment of the new Precinct Road requires the realignment of existing DADI drive, the current access road to the site combined with the relocation of the following:

- Relocation of two (2) existing weighbridges plus two additional weighbridges to improve site access and reduce queuing; and
- Establishment of site administration building within the vicinity of the weighbridges.

All the assets are critical to the operations of the site. The proposed modifications are set out in the following section.

2.3.1.1. Realignment of DADI Drive and Relocation of existing and construction of new Weighbridges

The proponent has been liaising with the adjacent property owner, **Hanson**, in relation to the delivery of the new Precinct Road that will connect with Honeycomb Drive in the east and Archbold Road in the west.

Despite the proponent's efforts no agreement has yet been reached and the Department of Planning and Environment are seeking imminent delivery of the eastern portion of the Precinct Road. It is understood that mandatory Orders may be issued in the near future requiring the proponent to build the 2,000m² eastern length of the roadway as required. The estimated construction time of the road, once agreement is reached is six (6) months.

As set out above in section 2.3.1 the delivery of the Precinct Road, as a future public road, requires a re-alignment of the existing access road known as DADI Drive that serves as the primary entry and exit from the Facility.

The general location and configuration of these existing assets is shown in Figure 3. The proponent is currently liaising with Council in relation to the location of the new site entry point. Two (2) options are currently being explored including:

- **Option A:** Access from northern side of the future Precinct road (**Attachment B**); or
- **Option B:** Direct access from Kangaroos Drive into the site (**Attachment C**).

Each of these options is shown in the attached site layout plans provided at **Attachments B and C**.

The new access road, irrespective of the location, will be four lanes wide and will include the relocation of the two (2) existing weighbridges combined with the installation of further two (2) new weighbridges are also proposed and a slip lane.

The increased number of lanes and weighbridges will improve the operations of the site, reducing the incidence of queuing vehicles.

The site entry will be designed to ensure vehicles entering the site do not queue across or within the adjacent public road network to prevent disruption to the flow of traffic on the existing or future public road network.

Indicative concept layout plan options are provided in **Attachments B and C**. A final option will be identified in consultation with Council and an expert traffic engineer to identify the best possible outcome for the site. The preferred option will be identified in the future s.75W application.

2.3.2. Modified Building Use and Site Layout

Combined with the modifications to site access and infrastructure the proponent is seeking to modify the existing arrangement of buildings and their use to improve operational and processing efficiencies through improved access and flow.

The proposed modifications are briefly summarised as follows:

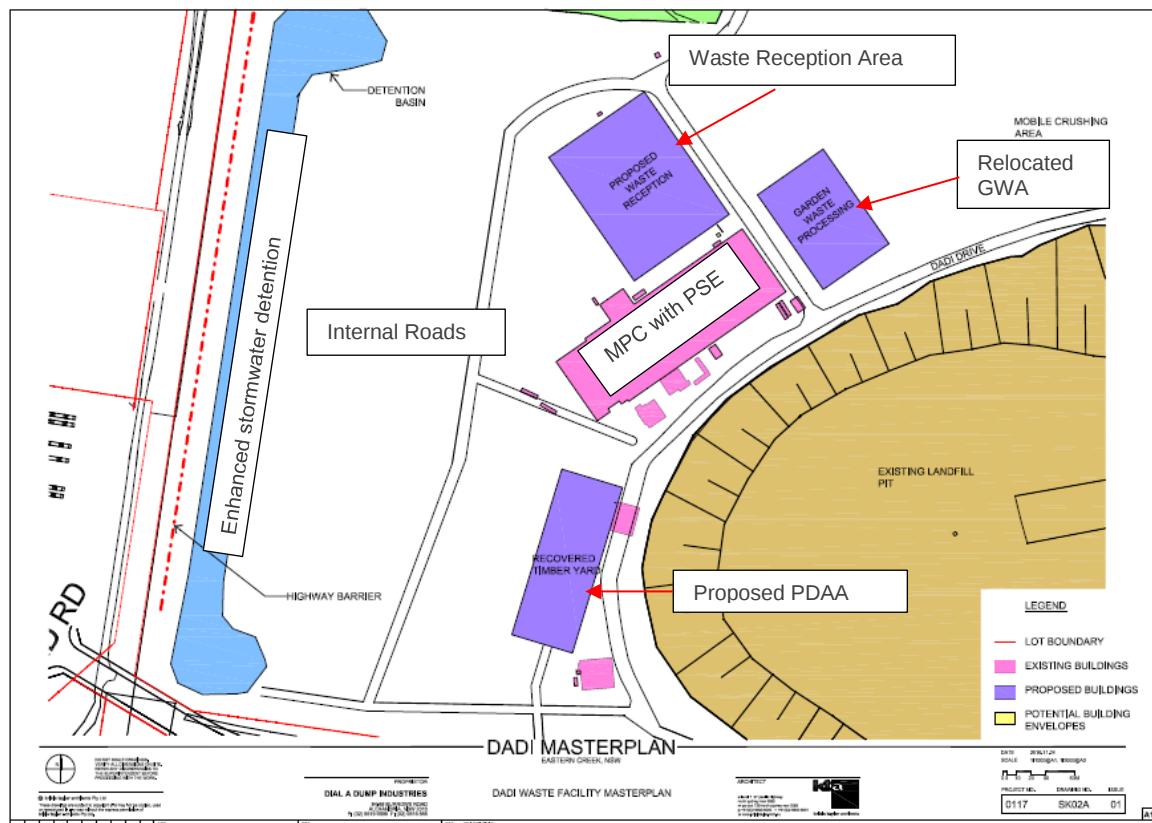
- Enclosure of the existing green waste enclosure (GWA) to include a new roof and doors. Redesignation of the GWA to a dedicated Waste Reception Area (WRA) and pre-sorting area.
- Relocate the GWA to the south-east of the new WRA;
- Establish second line of plant sorting machinery (the PSE approved under Mod 5) inside the existing MPC building;
- Minor modification to the location and design of the approved PSE building. Redesignation of the approved PSE to be the post production dispatch area (PDDA);
- Modified stormwater management devices, options currently being investigated and refined;
- Boundary adjustment to the western boundary of existing Lot 1 in DP 1145808, westward towards Archbold Road to ensure all stormwater management devices are wholly contained on the same lot as the Genesis Facility;
- Construction of new internal roads to the west of the existing and proposed buildings to support altered access and vehicle movements through the site; and
- Relocation and modification of the western amenity berm to improve local amenity.

A summary of the proposed operational areas and use change and status (i.e. built vs. approved) is set out in Table 4. The proposed modified building use, operations and site layout is shown in Figure 13.

Table 4 – summary of building use changes

Existing Use	Proposed Use	Status
Materials Processing Centre (MPC)	MPC – No change	Constructed
Green Waste Area	Waste Reception Area	Existing structure (will be modified)
Pre-Sort Enclosure	Post Production Dispatch	Approved. Not constructed.
Segregated Materials Area	Green Waste Area	Construction of new storage areas required.

Figure 13 – Proposed reconfiguration of the Genesis site (showing one, stormwater management option)



2.3.2.1. Establish a new Waste Reception Area

The Green Waste Area currently stores materials that have been separated and processed prior to their dispatch from site.

The relocation of the existing GWA will allow for the conversion of the existing structures into a fully enclosed building which will then serve as a dedicated Waste Reception Area (WRA). These modifications will support improved operational efficiencies in the inspection, separation and processing of materials.

This area is surrounded by existing 2.6 metre high concrete ‘push walls’ and has a self-contained leachate collection system which was designed capture and detain leachate generated when rainwater comes into contact with garden waste or timber.

Additional entrances will be cut into the southern wall of the area, a roof/ cover of poly vinyl (PV) coated polyester supa span is to be added and the new building will become the Waste Reception Area.

As this building, will be unencumbered by fixed plant, all incoming mixed waste for sorting and recovery will be able to be delivered to and screened within this area more efficiently and rapidly.

The waste will be transported directly from there by electrically driven conveyor to the adjoining building MPC for processing.

The PPDA building will be similar to the green waste storage area once modified (refer to section 2.3.2.1). In general, this will include concrete Push-walls 2.5 metre high with an entrance/exit at either end and PV coated polyester supa span roof over.

2.3.2.2. Relocation of Pre-Sort Enclosure (PSE)

As set out in Section 1.2 *Consent History*, a pre-sort enclosure was approved in March 2016 under MP_06_0139_ Mod 5. The PSE replicates the existing MPC building, and was includes the implementation and use of an automated mechanical sorting plant, for screening commercial and industrial waste streams.

The layout and operation of the approved PSE was intended to be configured along in a manner similar to that implemented within the MPC with the plant arranged along its length with sorting occurring on the floor adjacent.

However, current experience of the operations within the MPC has revealed that unloading waste onto the floor of the MPC building adjacent to the plant could be improved if there were more open and unobstructed space available for the third and final inspection pre-sorting of waste materials prior to processing in the plant. Accordingly, it is proposed to relocate the approved second automated mechanical sorting plant to sit parallel to the existing plant within the existing MPC building.

2.3.2.3. Post Production Dispatch Area (PPDA)

Based on the relocation of the PSE, the approved building intended to accommodate the PSE plant is proposed to be used for the purpose of a Post- Production Dispatch Area (PPDA). The PPDA will store packaged recovered materials for recycling or further processing by others prior to being transported off site. There the materials (largely C&I), that are currently stored outside, will be kept dry and clean which are essential for their reprocessing and re-use.

The proposal will involve a minor relocation of the approved PSE location with the PPDA proposed to be moved eastward of the approved PSE location. This locates the building further from the western boundary (i.e. Archbold Road) and closer to the landfill.

The existing workshop will be dismantled and removed and the carpark relocated. There is sufficient space to accommodate a replacement office building and required 60 parking spaces adjacent to the new and realigned entry road.

The building footprint of the PPDA will be generally consistent with the proposed WRA and include concrete Push-walls 2.5 metre high with an entrance/ exit at either end and PV Coated Polyester Supa Span roof over.

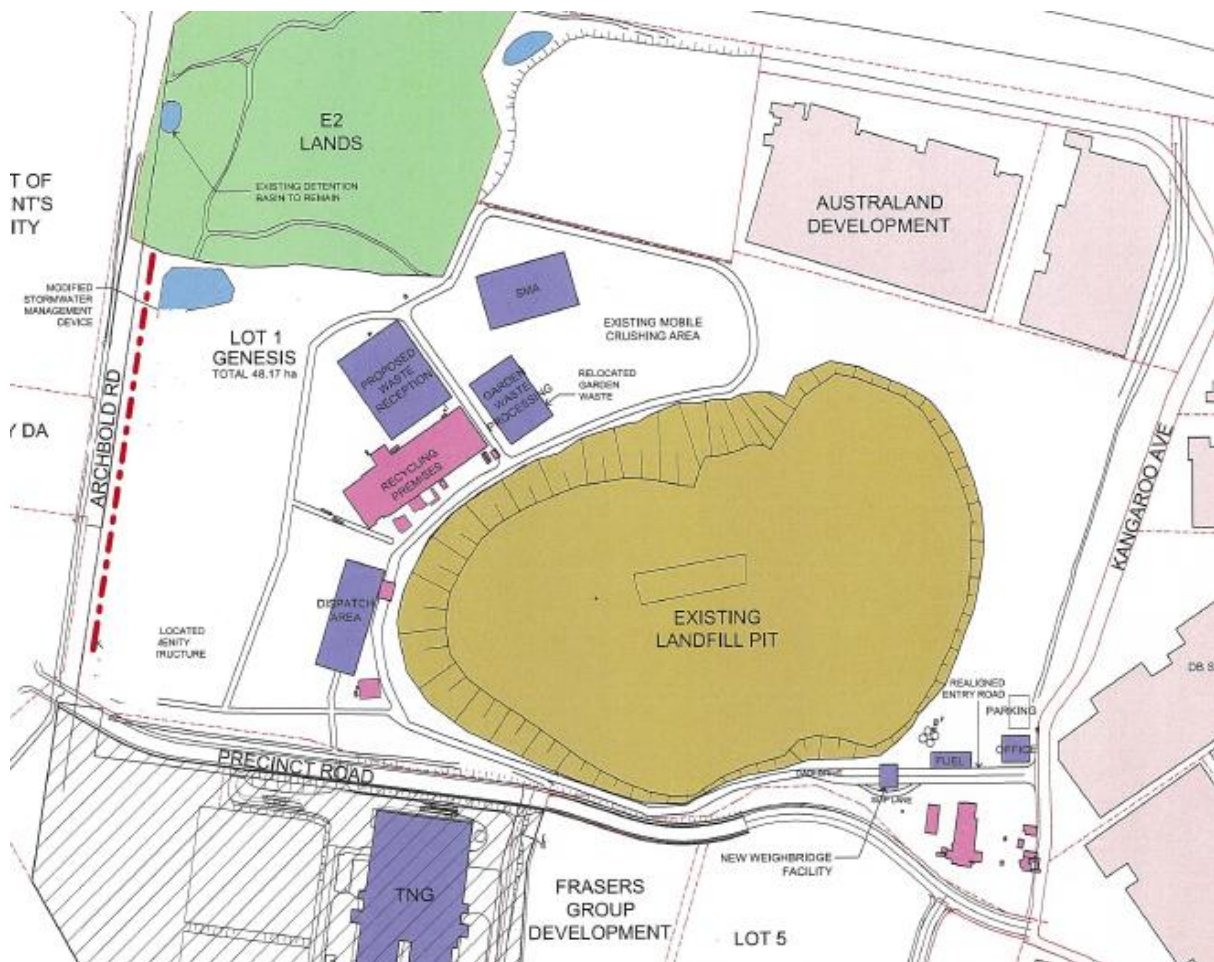
A dedicated leachate collection system will not be necessary as pits will be required at the entrances to collect any stray run off from wet vehicles during rain events.

2.3.2.4. Modified Stormwater Layout

A revised stormwater management plan for the site is currently being developed and options will be discussed with Blacktown City Council prior to resolution of the final solution. At present, the two (2) options are being considered include:

- **Option 1:** Modification of the two (2) existing detention basins to supplement existing storage capacity by reorientating them (where necessary) and connecting them by a channel generally in the manner shown in Figure 13 above; or
- **Option 2:** Construction of a large single detention basin with a capacity of approximately 40,000m³ located in the north-west corner of the site (south of the E2 Environmental Conservation Lands and east of Archbold Road) (refer to Figure 14, below).

Figure 14 – Alternate stormwater management option



Irrespective of the option pursued the modification will increase the stormwater detention capacity of the site. The location of the existing and approved basins is shown in Figure 15 and the modified layout shown in Figures 13 and 14.

Ongoing liaison with Blacktown City Council Engineers in relation to the delivery of an all of site stormwater management response indicates that Council would support the delivery of increased

atop or a solid structure wall the intent of which is to improve the amenity of landowners to the west of the site.

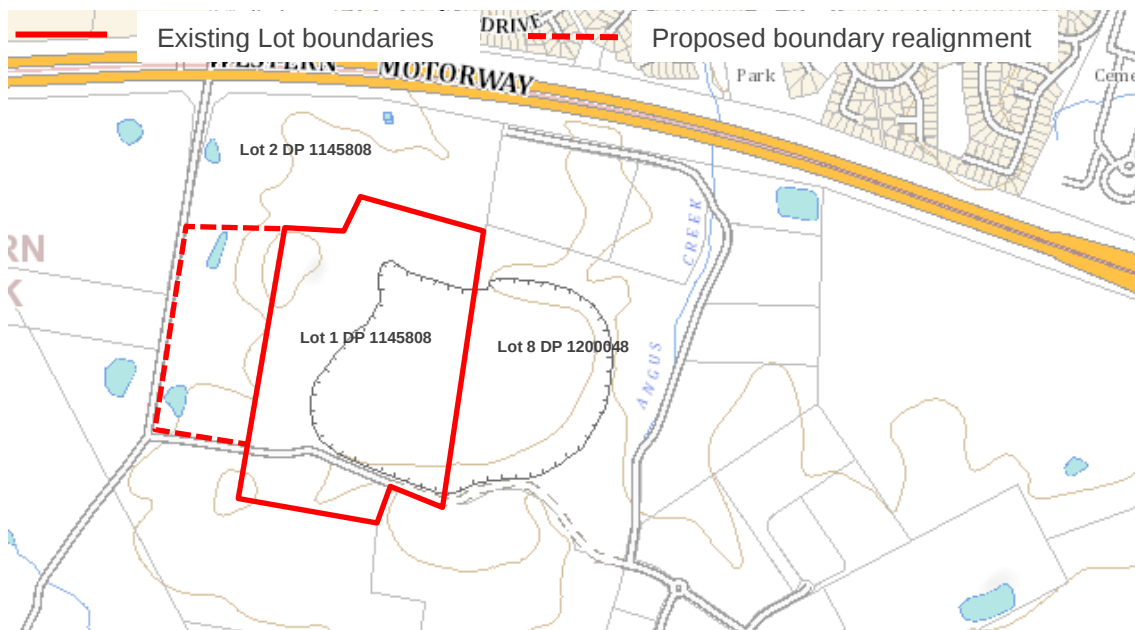
The relocated and modified amenity structure will be capable of compliance with Conditions 53 – 55 of the existing major project approval subject to a minor modification to reflect an updated plan reference. Fully detailed and justified plans and specifications will be submitted in support of the future section 75W.

2.3.2.6. Boundary Line Adjustment

To support the delivery of the modification and align the development with the request of Blacktown City Council, that the stormwater devices serving the Genesis Facility be constructed on the same title lot, it will be necessary to adjust the alignment of western boundary of Lot 1 in DP1145808 westward towards Archbold Road (refer to Figure 16).

The boundary line adjustment does not result in any new title lots being created and all existing lots will exceed the 4,000m² minimum lot size requirement.

Figure 16 – Proposed Realignment of Lot 1 Western Boundary



3. PLANNING FRAMEWORK

3.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

Part 3A Transitional Provisions

The Project was declared a Major Project to which (the former) Part 3A of the Environmental Planning & Assessment Act 1979 (EP&A Act) applies and for which approval of the Minister for Planning was required. Ministerial Project Approval (06_0139) was granted on 22 November 2009.

Following the repeal of Part 3A of the Act on 1 October 2011, the project continues to be subject to Part 3A of the Act pursuant to the transitional provisions provided in Schedule 6A of the Act as follows:

Transitional arrangements — repeal of Part 3A

- 1) *The following are, subject to this Schedule, transitional Part 3A projects:*
 - (a) *an approved project (whether approved before or after the repeal of Part 3A),*
 - (b) *a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*
 - (c) *a project for which environmental assessment requirements for approval to carry out the project, or for approval of a concept plan for the project, were last notified or adopted within 2 years before the relevant Part 3A repeal date (unless the environmental assessment is not duly submitted on or before 30 November 2012 or on or before such later day as the Director-General may allow by notice in writing to the proponent),*
 - (d) *a project for which an environmental assessment (whether for approval to carry out the project or for approval of a concept plan for the project) was duly submitted before the relevant Part 3A repeal date.*

As the project is the subject of an approved project, Part 3A of the Act continues to apply.

Environmental Planning and Assessment Act 1979: Section 75W

Pursuant to Part 3A of the Act (as in force prior to its repeal), Section 75W (s75W) provides that the proponent may request the Minister to modify the Minister's approval for a project (including an approved project). Such modifications may include:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

Section 75W does not limit the circumstances in which the Minister may modify a determination made under Division 3, in connection with the approval.

The requirements of s75W of the EP&A Act have been considered by the Land and Environment Court on several occasions. The LEC has observed that the language of s75W is not constrained by the qualification (such as that contained in s96 of the EP&A Act) that the development as modified be

"*substantially the same*" as the development already approved (*Williams v Minister for Planning* (2009) 164 LGERA 204). In other words, the power under s75W to modify is broader than the test under s96. Biscoe J expressed the test another way, by stating that s75W does not contemplate a "*radical transformation*" of the terms of an existing approval (*Williams v Minister*).

The Court of Appeal subsequently cautioned against seeking to use any descriptive phrase to substitute for or explain the statutory language in s75W. That Court has noted that "*the fact that there are no express standards to be applied in considering whether a particular request falls within the terms of the section itself gives rise to an inference that no essential precondition to the consideration of a request was intended*" (*Barrick Australia Ltd v Williams* (2009) 74 NSWLR 733 at 401).

We submit that the modifications proposed by this application do not constitute a 'radical transformation' to the Project Approval because:

- the proposed use is the same as that approved under the Project Approval;
- there are no variations proposed to the operations on the site, with the location of the access point and the directional flow of traffic through the site
- there will be no increase in the approved amount of waste that is treated at the site.

This preliminary environmental assessment report:

- demonstrates that the proposed modifications comply with the relevant environmental planning instruments and policies;
- identifies the areas of potential environmental impacts that may occur as a result of the proposed modification and provides a commitment to the provision of technical reports to support the proposed amendment to ensure that no adverse impacts arise as a consequence of the modification;
- demonstrates how the proposed modification is consistent with the provisions of s75W of the Act.

4. PRELIMINARY ENVIRONMENTAL ASSESSMENT

4.1. CONSISTENCY WITH THE PLANNING FRAMEWORK

The modification will be made in accordance with the Part 3A Transitional Provisions relating to an approved waste management facility.

Detailed consideration of the modification with the planning framework will be included in the Environmental Impact Statement that will accompany the future modification application. This statement will include detailed assessment of the proposal against the relevant planning instruments and demonstrate consistency with the same. The planning instruments identified as being relevant to the assessment of the application include:

- State Environmental Planning Policy (Western Sydney Employment Area) 2009;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;

- State Environmental Planning Policy No. 33 Hazardous and Offensive Development; and
- Eastern Creek Precinct Plan (as a deemed Development Control Plan – adopted by the WSEA SEPP).

4.2. TRAFFIC AND TRANSPORT

4.2.1. Access

The modification will result in modified traffic flow into and throughout the site. As outlined above, the modification will seek to:

- Facilitate the delivery of the Precinct Road in accordance condition 45 of project approval MP06_139;
- Improve operations of the site through delivery of an improved, sealed road network; and
- Improve general operations and efficiency of vehicles entering, moving through and exiting the site

The section 75W application will be supported by the following plan detail:

- An Engineering design package for the modified access and internal road; and
- Architectural and engineering design for the proposed weighbridge.

4.2.2. Parking

Under the proposed masterplan for the site, the carpark facilities will be relocated to the north east of the site to be within proximity to the new entrance, similar to the existing site arrangement.

In accordance with the requirements of Conditions 47 and 47a of MP_06_0139 (as modified) a total of 60 car parking spaces will be provided.

In concept the proposed modifications do not increase the capacity of the facility or the number of employees on site. As such, no increase in the number of visitors or employees requiring onsite parking is considered likely. Notwithstanding this, as parking is traditionally associated with “gross floor area this demand will be considered and accounted for in the future design and proposal.

A traffic and parking assessment will be provided in support of the section 75W application.

4.2.3. Capacity and Truck Movements

The proposal does not seek to alter in any way the capacity of the facility. Consequently, the modified site layout and access road will not contribute to a long term increase in traffic volumes.

4.2.4. Construction Traffic and Access

Notwithstanding the above. There may be a moderate, short term increase in vehicle movements associated with Construction works.

A traffic and access report will be prepared as part of the Section 75W application and will include an assessment of construction traffic generation as well a draft construction traffic management and site access plan to address changed entry and vehicle movement conditions through the site as part of the scope works.

4.3. AMENITY

4.3.1. Odour

Additional odour generation resulting from the modification is considered unlikely as the modification does not seek to alter the nature of the materials received or their quantities.

Genesis does not receive or process putrescible material and no composting of garden waste is being carried out. Accordingly, odour observed beyond the boundaries of the site has not been associated with the operation of the MPC.

The modification does not seek to amend or modify any matter relating to the approved activities relating to the processing, composting, storing, managing or otherwise dealing with green-waste or bio-degradable materials liable to generate odour. Small dry (less than 300mm length) timber pieces recovered from co-mingled demolition wastes are currently recovered and stored in the bundled stockpile area to the west of the MPC. This would continue under the proposal, in the relocated and new Green waste area.

The modification relates only to the relocation of the where materials are initially stored and sorted prior to sorting and post processing. As there is no alteration to the volume or nature of the materials accepted or handle, there is considered to be little to no change in the potential for odour to arise as a consequence of the modification.

4.3.2. Acoustic Impacts

Minimal noise impacts, further technical assessment may need to be provided to determine the effects on the nearest residential receiver and whether the noise limits might be exceeded.

Acoustic testing will be carried out as part of the Section 75W application to ensure that the proposed modification to the layout and the operations on the site will not impact on residential amenity or the amenity or surrounding land users.

Given the separation of Site from residential uses and the approved nature of the site as an was management facility, it is anticipated that acoustic impact will be manageable.

4.3.3. Air Quality

The works will involve demolition of existing road pavement, bulk earthworks and construction that may give rise to the generation of dust.

A network of sprinklers already surround the MPC and SMA to wet down sealed roads and to ensure that any materials deposited on site remain wet.

Air Quality Assessment and Compliance testing previously undertaken by Pacific Environmental Limited and submitted to the NSW Department of Planning and Infrastructure indicates that the Facility when operating at full capacity, (indoor and outdoor activities) including crushing screening grinding and land-filling meets all environmental goals and standards for the Facility.

The proposed development will ensure that both construction and operational dust will be controlled to minimise the emission of dust. This will be through site management measures and procedures to ensure that spoil materials stored on site are managed appropriately to minimise dust dispersion and that the site is suitably constructed to minimise traffic dust.

The construction process will be controlled through erosion and sedimentation management processes which will be detailed in a Section 75W application.

4.3.4. Lighting

The proposed lighting of the site will be designed to allow for safe working conditions in all areas operations. However, the levels of lighting will be designed to ensure that there is no light spill which will affect residential uses and result in amenity impacts.

4.3.5. Visual Impact

The site is surrounded by adjoining industrial land uses which are compatible with the built form proposed as part of this development. The pattern of development surrounding the site screens it from much of the surrounding area. Furthermore, the site and buildings are surrounded by amenity berms that are a minimum of 10 metres high providing visual screening.

In terms of visual impact the most sensitive uses which surrounding the Genesis site are local residential areas, including the residential areas of Minchinbury and Erskine Park each located approximately 1 kilometre to the north and west respectively.

A visual assessment of the proposed built form will form part of the Section 75W application.

4.4. SURFACE WATER MANAGEMENT AND QUALITY

The modification is anticipated to improve the capture and management of stormwater and run off from and over the site. This has and continues to be discussed with Blacktown City Council in relation to delivering a whole of site stormwater management response.

A detailed stormwater management design package will be submitted as part of the section 75W application and will demonstrate consistency with the requirements of Blacktown City Council.

4.5. ECOLOGICAL IMPACT: FLORA AND FAUNA

The location of works is contained to areas of the site that have been previously disturbed in relation to the ongoing operation of Genesis. All proposed works are clear of areas of known sensitivity.

4.6. HAZARDS

4.6.1. Relocation and Storage Fuel Materials

As outlined in section 2.3.1.2, the modification will implement above ground diesel fuel storage tanks to support the use of onsite plant material. The proposed works are captured by State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry requiring the potential for offsite risk to be assessed prior to consent being granted.

The location of the proposed above ground storage tanks is shown in the plan layout options provided at **Attachment A and B**. A preliminary hazard risk assessment will be undertaken to support the proposed modification and will be used to confirm the suitability of the identified location or refinement of the proposal. Furthermore, the installation and storage of fuel will be designed and managed in accordance with all relevant environmental regulations and requirements.

The proposal to store fuel on site is considered consistent with the predominant character and use of the site. Heavy Vehicles are utilised in the management of materials in the landfill that are considered inappropriate for use of the broader public road network. As such the provision of onsite fuel will promote a positive outcome for the operator and the broader community.

5. CONCLUSION

The proposed modification of Major Project MP06_0139, to relocate the access road and weighbridges, modify the site layout to improve general operations and efficiency of vehicles moving through the site. Is in accordance with Section 75W of the EP&A Act for the following reasons:

- The approved project is defined as a '*transitional Part 3A project*' and therefore Part 3A of the EP&A Act continues to apply in respect of the project. Section 75W (2) of the EP&A Act provides that a Proponent can request the Minister to modify the approval of a project.
- The proposal retains the use of the site for a 'materials processing facility and landfill' in accordance with the approved use for the site.
- The proposed built form will remain compatible with the industrial nature of the Site and the surrounding industrial development.
- The preliminary environmental assessment demonstrates that the proposed use has '*limited environmental consequences*' when compared to the approved use and built form.
- Will facilitate the necessary delivery of part the Precinct Road and enable the proponent to satisfy Condition 45 of MP06_139 as well as improving the operational efficiency and vehicle movements through the site.



It is therefore requested that Secretary's Environmental Assessment Requirements are issued with respect of a Section 75W application for the modification of MP06_139.

If you wish to discuss, please contact the undersigned on 02 8233 7652 or email at rsnape@urbis.com.au

Yours sincerely,

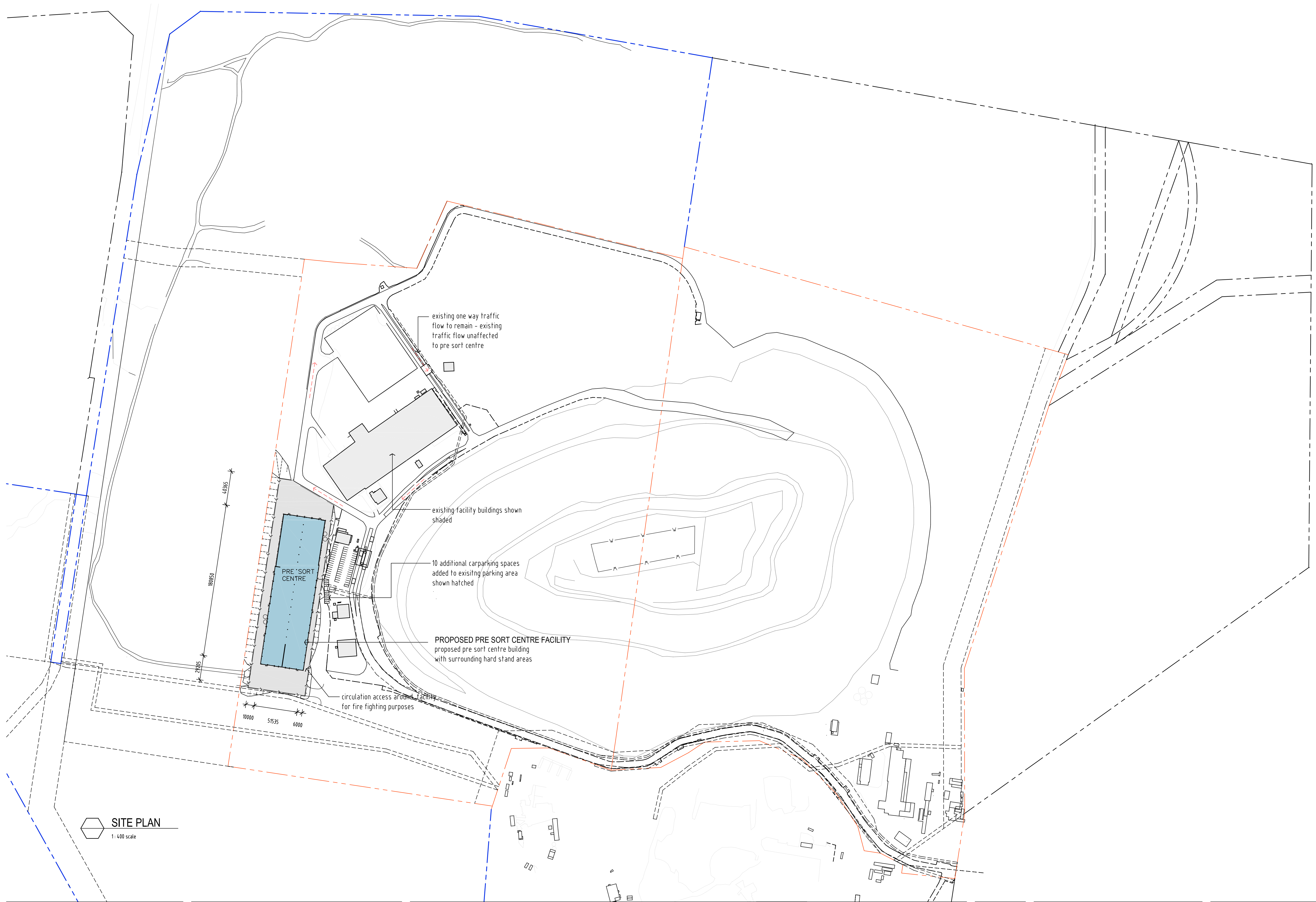
A handwritten signature in black ink, appearing to be "Rachael Snape", with a stylized, cursive script.

Rachael Snape
Senior Consultant



ATTACHMENT A:

EXISTING SITE LAYOUT



DO NOT SCALE OF DRAWING - DIMENSIONS & LEVELS TO BE VERIFIED PRIOR TO COMMENCEMENT OF WORK WITH FIGURED DIMENSIONS IN PREFERENCE TO SCALED DIMENSIONS.
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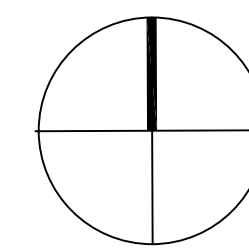
0 20 40 60 80 100 200m
Scale 1: 2000

Issue	Date	Amendment
B	09/12/14	issued for authority approval
C	12/12/14	building location adjusted to suit topography
D	19/02/15	site boundary to Genisis Xero Waste site highlighted in red
E	19/02/15	total site boundary highlighted in blue
F	16/03/15	boundary through pit included in existing Genisis Xero Waste recycling site
G	18/05/15	10 carspaces added and additional notation for fire truck access

Notes



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Nominated Architect - David McDonald NSW ARB No. 7997



Project:
PRE SORT CENTRE BUILDING
HONEYCOMB DRIVE, EASTERN CREEK, NSW
Client:
GENISIS XERO WASTE

Drawing:
PRE SORT CENTRE SITE PLAN
Drawn: AA
Date: October 2014
Scale: 1: 2000 @ A1
Project No:
141002
Drawing No:
DA / A 101
Issue:
G



ATTACHMENT B:

PROPOSED SITE LAYOUT, NEW ENTRY ROAD OPTION A



ATTACHMENT B:

PROPOSED SITE LAYOUT, NEW ENTRY ROAD OPTION B

