

Our reference: P-306435-B9G2  
Contact: Gavin Cherry  
Telephone: (02) 4732 8125

24 May 2022

NSW Department of Planning, Industry and Environment  
Attention: Sally Munk

Email: [sally.munk@planning.nsw.gov.au](mailto:sally.munk@planning.nsw.gov.au).

Dear Ms Munk,

**Eastern Creek Energy from Waste Facility (SSD-6236) - The Next Generation (NSW) Pty Ltd v Independent Planning Commission (Court Proceedings No 2019/13009) - Blacktown Local Government Area**

Thank you for providing Council with the opportunity to comment on the proposed amendment to the above State Significant Development (SSD) application.

A review of the additional information provided has been undertaken, which has been limited to the scope of the proposed amendments noting comments previously raised by Council in preceding submissions to the Department.

The following comments are provided for consideration by the Department in the defence of the ongoing Court Appeal:

- i. The applicant's documentation indicates that removal of floc from the waste stream ensures the proposed development is 'like for like' with the Ferrybridge UK facility (reference facility used in support of SSDA 6236) and will comply with emissions criteria prescribed in the NSW EPA's Policy. The reports claim the removal of floc will address the contentions currently raised in the LEC proceedings however this is a matter to be determined by the NSW Government.
- ii. Compliance with emission criteria and verification of the technical information presented by the applicant's experts is considered to require independent review and verification if not already occurred. In the absence of its own in-house experts, any determining authority would need to rely upon an independent expert review to verify the validity of the assessments, including supporting data and assumptions made by the applicant's team. It also recommended that consideration of emissions should be undertaken in the context of the local and broader Sydney airshed which already experiences particle pollution (Particulate Matter PM2.5) levels exceeding national advisory standards. This is considered imperative given:
  - there is no safe threshold below which Particulate Matter does not cause health impacts;
  - the way the Sydney basin airshed operates, which can lead to the accumulation of pollution over a number of days; and
  - the projected increase in particle pollution within the Sydney Region due to forecast climate change and population growth impacts.

- iii. It is also noted that Phase FM1 of the Ferrybridge UK reference facility commenced operation in 2015, whilst additional phase FM2 was commissioned in 2019. Given that Ferrybridge has been operating for some time now, it is considered reasonable and appropriate that the monitoring data obtained to date, from operation of that facility, also be made available for consideration and review to ensure the assumptions and statements provided by the applicant's consultants are supported by robust records of proven performance from the reference facility.

Should you require any further information regarding the comments, please contact me on (02) 4732 8125.

Regards,

A handwritten signature in black ink, appearing to read "Gavin Cherry".

Gavin Cherry  
Development Assessment Coordinator