



Your ref: SSD-8477614
File no: MC-20-00008

11 August 2020

Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 20001

Attention: Ms Sally Munk

Dear Ms Munk

SSD-8477614 – proposed Eastern Creek Energy from Waste Facility within the Eastern Creek Industrial Estate, Eastern Creek

Thank you for your correspondence dated 21 July 2020 inviting us to provide input to the Secretary's environmental assessment requirements (SEARS) for the proposed Eastern Creek Energy from Waste Facility, which is State Significant Development under the *Environmental Planning and Assessment Act 1979*.

The Eastern Creek Energy from Waste Facility Scoping Report May 2020 has been reviewed by our officers and we have identified a range of critical issues that the applicant must address in the EIS and these are listed in Attachment A to this letter. We request that all these matters are included in the final SEARs issued to the applicant to ensure that they are addressed in the final EIS prepared for this proposal.

If you would like to discuss this matter further, please contact our Manager Development Assessment, Judith Portelli, on 9839 6228.

Yours faithfully


Glennys James PSM
Director Planning and Development

Connect - Create - Celebrate

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Blacktown City Council submission to SEARs request for SSD 8477614

1. Overall and general requirements

- a. The EIS must include, but not be limited to:
 - a detailed description of the site, and any existing or approved operations
 - a detailed description of the development, including:
 - need for the development
 - alternatives considered
 - engineering and architectural plans
 - justification for the development taking into consideration its location, any environmental impacts of the development, the suitability of the site and whether the development is in the public interest
 - likely staging of the development
 - likely interactions between the development and existing, approved and proposed operations in the vicinity of the site
 - consideration of any relevant statutory provisions
 - risk assessment of the potential environmental and health impacts of the development, identifying the key issues for further assessment
 - detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment, which includes:
 - a description of the existing environment, using sufficient baseline data
 - an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes
 - a description of the measures that would be implemented to avoid, minimise and, if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage significant risks to the environment and the health of the community
 - consolidated summary of all proposed environmental management, mitigation and monitoring measures, highlighting all commitments included in the EIS.
- b. The proponent company must demonstrate that it is eligible to hold an environmental licence for the proposed facility and can demonstrate its proven environmental responsibility at its other facilities, including a commitment to ongoing environmental improvement.
- c. The applicant should demonstrate a commitment to obtain ISO 14001 environmental certification to demonstrate that the process being undertaken is industry best practice using the best available technology.
- d. The applicant must demonstrate that the operator's environmental credentials, as well as the designer and builder, will ensure the required technology, controls, maintenance and monitoring will be a priority.
- e. The applicant should demonstrate and incorporate requirements for future technology and environmental upgrades to be researched and mandated as part of the licence provisions.

- f. The applicant should demonstrate a commitment to establish a Community Liaison Group of local stakeholders, including nearby businesses, objectors and local residents, Council and the EPA.
- g. The applicant should demonstrate a commitment to offset some community concern by funding local community improvements and enhancement programs, which must be outlined in a Community Strategy and incorporate a visitor information and education centre.
- h. The applicant must demonstrate how they have obtained a social licence for the proposal.
- i. The applicant should demonstrate a commitment to host regular community forums and hold an annual open day to allow residents to tour the facility.
- j. The applicant should demonstrate a commitment to a modular design that can be scaled up or down dependent on the NSW EPA's waste disposal priorities and needs.

2. Statutory context

a. Relevant statutory provisions

Address the relevant statutory provisions applying to the site contained in all relevant Environmental Planning Instruments and the Environmental Planning and Assessment Regulation 2000, including:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 - Hazardous and Offensive Development
- State Environmental Planning Policy (Western Sydney Employment Area) 2009

b. Permissibility

Detail the permissibility of the proposal under the relevant EPIs and the nature and extent of any prohibitions or restrictions that apply to the development.

c. Development standards

Identify the development standards that apply to the site. Outline and justify any non-compliances with the development standards.

d. Contributions to infrastructure provision

Demonstrate that satisfactory arrangements have been, or would be, made to provide or contribute to the provision of necessary local and regional infrastructure required to support the development and the local community.

e. Contamination

Demonstrate that the site is suitable for the proposed use in accordance with the provisions of SEPP 55.

3. Strategic context

- a. Address the proposal against the relevant planning and policy provisions, goals and strategic planning objectives in the following documents:

- A Metropolis of Three Cities – the Greater Sydney Region Plan
 - Central City District Plan
 - Blacktown Local Strategic Planning Statement 2020.
- b. Detail how the development promotes the objectives of these strategic plans or is consistent with their provisions.

4. Waste management

- a. Identify, quantify and classify the likely waste streams to be generated and used as source material and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements, including but not limited to waste management, loading zones and mechanical plant for the site.
- b. Waste management details should include:
- a description of the classes and quantities of waste that would be thermally treated at the facility
 - demonstrate that waste used as feedstock in the plant would be residual waste from a resource recovery process that maximises the recovery of material in accordance with the NSW Energy from Waste policy statement
 - procedures that would be implemented to control the inputs to the plant, including contingency measures that would be implemented if inappropriate materials are detected
 - an outline as to how foreign objects will be excluded from the waste stream to prevent the need for an abnormal operation allowance that has the ability to have an impact on meeting emission criteria
 - details about the location and size of stockpiles of unprocessed and processed recycled waste at the site
 - demonstrate that any waste material produced from the facility for land application is fit-for-purpose and poses minimal risk of harm to the environment in order to meet the requirements for consideration of a resource recovery exemption by the EPA under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005
 - procedures for the management of other solid, liquid and gaseous waste streams
 - describe how waste would be treated, stored, used, disposed of and handled on site, and transported to and from the site, and the potential impacts associated with these issues, including current and future off-site waste disposal methods
 - demonstrate how all waste is either pre-sorted and shredded or sorted and shredded at the facility prior to incineration, to ensure an even fuel source and prevent any contaminants like fuel cylinders and engine blocks entering the incineration process
 - identify the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021
 - outline how the resource recovery criteria for mixed wastes as outlined in the NSW Energy from Waste Policy Statement will be achieved.

5. Ecologically Sustainable Development (ESD)

- a. Detail how ESD principles (as defined in Clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated into the design, construction and ongoing operational phases of the development.
- b. Include a description of the measures that would be implemented to minimise the consumption of resources and water and energy, including an Integrated Water Management Plan which details any proposed alternative water supply, proposed end uses of potable and non-potable water, and water sensitive urban design.
- c. A greenhouse gas assessment, including an assessment of the potential scope 1, 2 and 3 greenhouse gas emissions from the project and an assessment of the potential impacts of these emissions on the environment.
- d. A detailed description of the measures that would be implemented on site to ensure that the project is energy efficient.

6. Environmental health impacts

- a. Address the impacts the development will have on the environment, including hazardous chemicals, pest control, ventilation, disease outbreaks, quarantine and hygiene protocols for staff and visitors.
- b. The relevant Acts, policies and guidelines that need to be addressed include:
 - Pesticides Act 1999
 - Protection of the Environment Operations Act 1997
 - Public Health Act 2010
 - in terms of the Preliminary Hazard Analysis (PHA) – in accordance with the Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis and Multi-level Risk Assessment, and details of fire/emergency measures and procedures.

7. Air quality

- a. Address air quality and human health impacts by way of the following:
 - a quantitative assessment of the potential air quality and odour impacts of the development on surrounding landowners, the locality in general and sensitive receptors under the relevant Environment Protection Authority guidelines
 - a description of construction and operational impacts, including air emissions from the transport of materials
 - a human health risk assessment covering the inhalation of criteria pollutants and exposure (from all pathways, i.e. inhalation, ingestion and dermal) to specific air toxics
 - details of any pollution control equipment and other impact mitigation measures for fugitive and point source emissions
 - a demonstration of how the facility would be operated in accordance with world best practice measures to manage toxic air emissions, with consideration of the European Union's Waste Incineration Directive 2000 and the Environment Protection Authority's policy statement NSW Energy from Waste

- an examination of best practice management measures for the mitigation of toxic air emissions and their incorporation into the design and control features of the facility
 - details of the proposed technology to be utilised and conclusive demonstration that it is technically fit for purpose and that it represents world best practice
 - detail contingency plans for any potential incidents or equipment failure during the operation of the project.
- b. The applicant should demonstrate how they will broadcast real time emission testing data online, giving the general public the ability to view and monitor the daily emissions from the facility.
- c. Obtain accurate air quality baseline data within a 1 km radius of the site.

8. Soil and water

- a. A detailed assessment of potential soil, surface and groundwater impacts.
- b. A Stormwater Management Strategy is to be provided for the site. The Strategy is to address detention for all storm events from 2 to 100 years ARI to pre development discharges, stormwater quality using Part J of Blacktown Council's DCP 2015, water conservation achieving a minimum of 80% of non-potable demand to be met through rainwater or alternative non-potable sources, and assessment and reduction of the stream erosion index.
- c. The Stormwater Management Strategy is to also consider flows from outside the immediate construction area of the proposed facility and how these flows (including road flows) are to be conveyed to the creek system and adverse impacts mitigated.
- d. Preparation of a Vegetation Management Plan and restoration of the riparian corridor over the full extent of the site.
- e. A water balance assessment for the site, detailing water sources, water demand and consumption, water recycling, the quantity and quality of wastewater streams and the impact of any water and wastewater release from the site on surface and groundwater.
- f. Management of waste water including contaminated surface runoff.
- g. Provide an Integrated Water Management Plan for the site.
- h. Detail spill containment and bunding.
- i. Relevant Policies and Guidelines:
- Flooding and on-site detention - Council's Engineering Guide for Development 2005 (as amended).
 - Water quality and water conservation - WSUD Developer's Handbook Part 4.

9. Noise

- a. Identify the main noise generating sources and activities at all stages of construction, and any noise sources during operation including noise associated with vehicle movements, standby generators, fans and pumps (noise levels shall take into consideration the effect of wind speed and temperature). Outline measures to minimise and mitigate the potential noise impacts on occupiers of surrounding land.

b. Relevant policies and guidelines are:

- NSW Industrial Noise Policy (EPA)
- Interim Construction Noise Guideline (DECC)
- Assessing Vibration: A Technical Guideline 2006.

c. Provide an acoustic report to be prepared by a consultant that is a member of the Association of Australian Acoustical Consultants (AAAC) that assesses the noise levels of proposed operations of the facility. The report will consider the NSW Industrial Noise Policy, published by the NSW Office of Environment and Heritage. As the facility is proposed to operate 24 hours, 7 days a week, the sleep disturbance criteria is to be considered. The report is to provide recommendations to mitigate noise pollution. Matters to be considered in the report include, but are not limited to, potential unexpected noise from changes in feed stock or possible contamination of the waste which may react when heated. It is recommended that a 6 month post commissioning report be considered as part of this assessment.

10. Transport and accessibility (construction)

a. Detail access arrangements at all stages of construction and measures to mitigate any associated pedestrian, cycleway or traffic impacts.

11. Transport and accessibility (operational)

- a. A traffic report should be submitted that covers traffic movements in and out of the site and its impact on the existing and future road network.
- b. Detail access arrangements at all stages of operation and measures to mitigate any associated traffic impacts.
- c. Describe any truck movements from the nearby Genesis recycling facility.
- d. Demonstrate how users of the development will be able to make travel choices that support the achievement of State Plan targets.
- e. Detail existing pedestrian and cycle movements within the vicinity of the site and determine the adequacy of the proposal to meet the likely future demand for increased public transport and pedestrian and cycle access.
- f. Describe the measures to be implemented to promote sustainable means of transport, including public transport usage and pedestrian and bicycle linkages, in addition to addressing the potential for implementing a location specific sustainable travel plan.
- g. Detail the proposed transportation of hazardous goods from the plant.
- h. Demonstrate the provision of sufficient on-site car parking having regard to the availability of public transport.
- i. Estimate the total daily and peak hour trips generated by the proposed development, including accurate details of the current and future daily vehicle movements. Assess the impacts of the traffic generated on the local road network, including intersection capacity and any potential need for upgrading or road works.
- j. Relevant policies and guidelines are:

- RMS Guide to Traffic Generating Development
- EIS Guidelines for Road and Related Facilities (DPIE)
- RMS Walking and Cycling Program Guidelines.

12. Amenity

- a. Provide information detailing the impact on overshadowing, noise, visual privacy, view loss and wind impacts. A high level of environmental amenity must be demonstrated.
- b. Demonstrate the community benefits of the facility, including details of similar facilities which are operating around the world including testimonies from their regulating offices and contact details.

13. Sediment, erosion and dust controls (construction and excavation)

- a. Identify measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles, including:
 - a description of the water demands of the facility and a breakdown of water supply
 - a description of the measures to minimise water use
 - a detailed water balance
 - a description of proposed erosion and sediment controls during the construction phase
 - a description of the surface and stormwater management system, including on site detention, and measures to treat or reuse water
 - an assessment of potential surface and groundwater impacts associated with the development, including the details of impact mitigation, management and monitoring measures
 - an assessment of any potential existing soil contamination.
- b. Relevant Policies and Guidelines:
 - Managing Urban Stormwater - Soils & Construction Volume 1 2004 (Landcom)
 - Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
 - Blacktown City Council, Engineering Guide for Development 2005.

14. Built form and urban design

- a. Address the height, bulk and scale of the proposed development within the context of the locality.
- b. Assess the visual impact of the proposed building's height, scale, signage and lighting, particularly from nearby public receivers and significant vantage points of the broader public domain.
- c. Consideration of any impact on flight paths.
- d. Details of design measures to ensure the project has a very high design quality and is architecturally designed.
- e. Details of materials and finishes.

- f. Details about any bulk earthworks, including the extent of cut and fill works, provision of retaining walls or importation of fill material.
- g. Submission of a landscape strategy detailing screen planting and fencing.
- h. A detailed photomontage based analysis of the visual impacts of the development.

15. Flora and fauna

- a. Undertake a fauna and flora survey of the site in accordance with OEH Threatened Species Survey and Assessment Guidelines.
- b. Address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment.
- c. Any impacts on threatened species, populations and endangered ecological communities that cannot be avoided or mitigated must be adequately offset in accordance with OEH principles for the use of biodiversity offsets in NSW.

16. Aboriginal heritage

- a. Address Aboriginal heritage in accordance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. Any impacts to Aboriginal cultural heritage as a result of the proposal must be adequately mitigated.

17. European heritage

- a. Address European heritage through a European heritage assessment with the primary purpose of recording and identifying any potential heritage issues on the site and archaeological protocols for ground works.

18. Staging

- a. Provide details regarding the staging of the proposed development (if applicable).

19. Community Engagement

- a. Undertake a comprehensive process of community engagement, including local community groups, nearby residents and relevant local, State and Federal politicians.

20. S7.11 Contributions

- a. The proponent is required to pay Section 7.11 contributions to Council in accordance with our *Section 94 Contributions Plan No.18 – Eastern Creek Stage 3* as the proposed development is on land that is subject to that plan.

21. Drainage

The principal issues to be addressed are:

- a. Temporary on-site stormwater detention (OSD) for the whole site until the regional OSD facility is available.
- b. Water quality on the site is to address the following pollutant post development reduction targets (percentage of post development annual average load)

Pollutant	Post development pollutant reduction targets (percentage of post development annual average load)
Gross pollutants (GP)	90%
Total suspended solids (TSS)	85%
Total phosphorous (TP)	65%
Total nitrogen (TN)	45%
Total hydrocarbons	90%

- c. Identification of all non-potable water demands on site including toilet usage, landscape watering and water required as part of the industrial processes including feed water and wash down. Targeting a minimum 80% of non-potable demand achieved through either rainwater, and/or treated stormwater, and/or other non-potable water sources. The percentage reuse will be determined using the MUSIC model.
- d. Provide 2 separate and additional MUSIC models (pre and post) to demonstrate that the Stream Erosion Index (SEI) is less than 3.5 based on the technique in Council's MUSIC Modelling Guide in part 4 of the Developer Handbook for Water Sensitive Urban Design available on Council's website. The pre-development is to consider a vacant pervious block. Provide all calculations used to determine Qcritical.