



Our reference: ECM: 9223810  
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Department of Planning & Environment

Email: [Sally.Munk@planning.nsw.gov.au](mailto:Sally.Munk@planning.nsw.gov.au)

Dear Ms Munk,

### **Eastern Creek Energy from Waste Facility (SSD 8477614)**

I refer to the applicants request for SEAR's for the above proposal received by Council on 21 July 2020. Thankyou for providing Council with an opportunity to comment.

Please find below matters that are requested to be raised with the applicant in the preparation and pursuit of the proposed development application:-

#### **1. Environmental Management Considerations – EIS Reporting**

The issues raised during the assessment and determination of the previous application (SSD 6236) should inform the preparation of the EIS including the *'Independent Planning Statement of Reasons Eastern Creek Energy from Waste Facility (SSD 6236)' dated 19 July 2018*.

Whilst the submitted Sear's Request report identifies key issues that in broad terms identify overarching environmental themes requiring assessment, the EIS must be sufficiently detailed with technical evidence and documentation to support the conclusions reached. The EIS will also need to ensure that it is not based upon assumptions or reasoning that has previously been rejected in SSD 6236. For example, the comparison between the proposed facility and that in Ferrybridge, UK was found in SSD 6236 to be unsatisfactory and not an appropriately representative of what was previously proposed. The report identifies Ferrybridge UK again, as a reference facility which is of concern and should be revised or further explained, as to how this is a suitable comparative facility when it was previously not considered to be so.

It is also noted that section 7.1 of the submitted report presents an environmental risk screening which identifies soil contamination and soil health as 'low' risk requiring a 'low level of assessment'. All issues in the EIS should be subject to a high level of assessment that is comprehensive and technically robust, informed by the reviews and feedback provided by NSW EPA and other independent technical experts during the assessment of preceding SSD 6236. Ultimately it was found by the technical and independent experts reviewing SSD 6236 that the information provided did not satisfactorily demonstrate compliance achievability. It is requested that this be clarified by the Department in the issue of any SEAR's response.

The report also states that the applicant is not intending to operate the proposed facility, however, further information as to the proposed operator of the facility is not provided. Given the nature of the proposal, details of the proposed operator, with supporting information demonstrating a proven record of successful operations and experience, is considered reasonable and appropriate for inclusion in an EIS.

## **2. Human Health and Environmental Impact Considerations**

The potential for impact to human health and the environment as a consequence of the proposal is a key consideration that must be addressed. A Human Health Risk Assessment (HHRA) is required which should be based upon technical data assumptions and stack emission calculations (among other parameters). An independent assessment and review of the HHRA is also recommended to be undertaken by the EPA and NSW Health. Those experts reviewing risks to human health should be satisfied that any issues are fully addressed or a precautionary approach is to be taken.

It is also noted that civil Infrastructure reporting submitted with the previous application suggested that stormwater management had been designed to the 1 in 100-year flood event. It is again queried whether the proposal at the scale proposed and given the level of uncertainty of a number of environmental parameters should consider the performance of the proposal under probable maximum flood event conditions. This should be considered further by the Department in the preparation and issue of the SEAR's response.

## **3. Specialist Technical and Independent Review**

The Department of Planning and the Environment is requested to ensure that all information submitted by the applicant undergoes independent review and analysis by appropriately qualified specialists. As with the original application, any assessments that support the application will be technically specialised in nature and determining the validity and rigour of the assessments undertaken will require a comprehensive assessment by appropriate technical experts, including the NSW Environment Protection Authority (EPA) as the assessment and regulatory authority, and their independently engaged consultants as required.

The level of detail and the technical nature of many of the issues and responses raised as part of the preceding proposal were considered to require independent modelling and assessment in order to verify the adequacy of the information provided. In reviewing the EIS, it is assumed that the EPA will assess the data submitted and complete their own modelling to determine the adequacy of the assessments undertaken and determine compliance with applicable criteria.

## **4. Establishment of Site Suitability**

As previously raised by Council during the assessment of the preceding application, the suitability of the site for the proposed use is a key consideration in the assessment of the application. There are sensitive land uses surrounding the proposed site, including residences, schools and childcare centres. Compatibility of the proposed use with other land uses must be demonstrated.

## 5. Visual Impact and Height

The proposal provides exhaust stacks / flues (or similar) which are considerably taller than the built form as indicated in the photomontage drawing of the request. The visual prominence, height and suitability of this stack must be addressed in the detail of the application and through a visual impact analysis.

## 6. Notification and Advertising – State Significant Development

When the application is formally lodged as a new State Significant Development application, it is requested that land owners and occupiers in the vicinity of the proposed site be notified in writing of the proposal, and given an opportunity to provide comment. The extent of the notification is to align with the potential for environmental impact. Erskine Park and Colyton residents particularly require notification based on the height and visual prominence of the works proposed.

## 7. Traffic Management

It is requested that the traffic impact assessment that supports the application address all traffic related comments and requirements of Transport NSW and Blacktown City Council, having regard to the existing capacity of the local road network and the ability to accommodate the traffic generation rates of the proposed development.

Should you require further information or would like to discuss this matter further, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely,



Gavin Cherry  
**Development Assessment Coordinator**