



Our reference: ECM: 7975569  
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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 6236)  
Response to submissions**

With reference to the exhibition of the amended proposal for the subject State Significant Development Proposal, your letter dated 14 December 2017 and your email extending the date of submission to 2 March 2018, the following comments are made in relation to the proposed development and the 'response to submissions' report. These comments are derived from Council's submission on the proposal to date, feedback from the local community at a public meeting and an internal assessment undertaken by Council officers:

**Human health and the environment**

Concern is raised at the potential for exceedance of criteria and the potential impacts upon human health and the environment. The amended Human Health Risk Assessment (HHRA) is based upon technical data assumptions and stack emission calculations (among other parameters). An independent assessment and review of the HHRA is required 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.

The Civil Infrastructure report states that stormwater management has been designed to the 1 in 100-year flood event. It is 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.

**Air quality**

It is noted that the air quality assessment has been amended to increase the variety of substances analysed and the updated assessments provide modelled predictions based upon different operating scenarios. The findings in this report are not supported as:

- The use of 'back calculation' for the prediction of ground level concentrations, as applied in some scenarios (namely Scenario 2 and 4) is not supported;
- Predictions of operational emissions should be based solely upon tested and verified data from an equivalent and representative facility;
- Certainty of the relevant and applicable criteria, and the ability of the facility to comply with that criteria has not been demonstrated.



The appropriateness and the representativeness of the data used to assess air quality is a fundamental and critical aspect of the independent reviews and will need to be assessed by the Environmental Protection Authority (EPA). Confirmation of the emission limits that will be applied by NSW EPA, including potential future license criteria and ongoing monitoring and reporting requirements are a critical aspect of this application and are currently unknown.

Concern is raised at the proposed use of incineration technology in a highly populated area within the Sydney Basin which, due to its geography and associated meteorological conditions, is already subject to adverse air quality impacts. Confirmation that the proposal will not have the potential to generate emissions that may cause adverse environmental and public health impacts, the extent of which are untested within the Sydney region, is sought. This includes confirming with certainty what is proposed to be incinerated.

### **Odour emissions**

The odour assessment report confirms that odours will be 'detected' from nearby suburbs. These results are concerning, particularly given the model is not able to confirm with certainty that odour will not be detected in surrounding areas as a result of the proposed use. Unless it can be confirmed with certainty that this will not be an issue, a precautionary approach is recommended.

### **Aviation impacts**

The Plume Rise Assessment and Aviation Statement both confirm potential for air space conflict. This is a concern that requires endorsement of any proposed management strategies by appropriate aviation authorities. In the absence of certainty that air space conflict will not arise, precautionary approach is recommended.

### **Specialist technical and independent review**

The Department of Planning and the Environment is to ensure that all information submitted by the applicant undergoes rigorous independent review and analysis by appropriately qualified specialists. Council requests copies of any independent or expert review and their conclusions, and for them to be made publicly available for comment prior to determination of the application.

As with the original application, the amended assessments that support the amended application are 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 requires independent modelling and assessment in order to verify the adequacy of the information provided. In reviewing the report, 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.

### **Site suitability**

Concern is raised over the suitability of the site for the proposed use. There are sensitive land uses surrounding the proposed site, including residences, schools and childcare centres. Compatibility of the proposed use with other land uses continues to be raised in the absence of satisfactory information to confirm otherwise.

### **Notification and advertising**

It is requested that land owners and occupiers in the vicinity of the proposed site be notified in writing of the amended proposal, and given an opportunity to provide comment. The extent of the notification is to align with the potential for environmental impact, and at minimum, extend to those previously notified. Erskine Park and Colyton residents particularly require notification based on the findings of the Visual Impact Assessment.

### **Statement of commitment**

The appropriateness of the proponent providing a certain number of residences with solar panels, and pledging use of any licensing fees for a particular purpose on behalf of the EPA is questioned. What is the direct relationship of these proposed commitments to the proposals energy efficiency? Will this fetter the assessment and independent review of the application?

### **Process and timeframes**

Additional time is required by Council to review above requested additional information, including independent reviews, once it is provided to the Department. It is not appropriate to provide conditions of consent that requests additional information or detail from the applicant. This information must be known and be publicly exhibited for review and comment.

Given the extent of unknown potential impacts based on the current application as outlined above, the precautionary principle should be applied and the application not be supported.

Should you require further information or would like to discuss this matter further, please do not hesitate to contact me on (02) 4732 7577.

Yours sincerely,



Peter Wood  
**Development Services Manager**