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17 October 2018

Department of Planning and Environment
Level 22, 320 Pitt Street
Sydney NSW 2000

Attention: Chris Ritchie / Bianca Thornton

Dear Chris and Bianca

**Genesis Waste Management Facility – Modification Application MP 06_0139 MOD 6
Preliminary Submission on behalf of Jacfin Pty Ltd**

We act for Jacfin Pty Ltd (**Jacfin**), the owner of Lot 512 in DP 1235869 at Eastern Creek, being land situated to the south of the existing Genesis Waste Management Facility (**Facility**).

This is a preliminary submission made on behalf of Jacfin in relation to the above modification application by Dial a Dump Industries (EC) Pty Limited (MP 06_0139 MOD 6) (**Modification Application**). Our client's final submission will be provided by Wednesday, 24 October 2018, in accordance with the extension of time granted by the Department of Planning and Environment and confirmed by email dated 16 October 2018. The purpose of this preliminary submission is to foreshadow the issues that will be raised in the final submission.

Jacfin has commissioned independent peer reviews of the air quality, odour and noise impact assessment reports exhibited with the Modification Application. A copy of those independent peer reviews will be submitted along with our client's final submission.

Jacfin submits that the Modification Application should be refused having regard to the following issues.

1 Summary of Issues

1.1 Noise

The Modification Application proposes substantial amendments to the maximum noise levels permitted for the Facility and to revise the location of the receivers to which the noise levels apply. The Proponent also seeks to significantly increase hours of operation which will extend the periods during which surrounding residences are exposed to noise from the Facility.

The Proponent relies on a Noise and Vibration Impact Assessment prepared by EMM Consulting Pty Ltd dated 13 September 2017 (**Noise Impact Assessment**). Of particular concern is that the Noise Impact Assessment does not appear to be based on comprehensive background noise monitoring.

Areas of deficiency in the Noise Impact Assessment include but are not limited to the following :

- (a) the background noise data relied on is outdated and did not factor in extraneous noise sources such as insect and frog noise;

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- (b) no regard has been given to the characteristics of the noise being produced such as whether the noise being produced is a low frequency noise, and appropriate corrections made;
- (c) there has been no consideration of the noise criteria in the Eastern Creek Precinct Plan (Stage 3) dated 14 December 2005 (**Precinct Plan**).

There is therefore a significant risk that the projected noise levels presented by the Proponent are underestimated.

1.2 Air Quality and Odour

The Modification Application, if approved, would allow the Proponent to increase the volume of landfill waste received at the Facility per annum by over 40%. This significant increase in landfill waste will result in increased and unacceptable odour impacts and impacts to air quality.

The Proponent relies on an Air Quality Impact Assessment prepared by Rambol Australia Pty Ltd dated August 2018 (**Air Quality Assessment**). Jacfin has identified the following issues from its preliminary review of the Air Quality Assessment:

- (a) the Air Quality Assessment does not provide tabulated predictions of ground-level concentrations of dust and odour at the Jacfin site;
- (b) the Air Quality Assessment indicates that the cumulative 2 hour average PM_{2.5} concentrations will exceed the impact assessment criterion at residential and commercial receptors;
- (c) the Air Quality Assessment appears to underestimate dust emissions and there appear to be inaccuracies in the dust deposition rate contour plot at Figure A5-6; and
- (d) very limited information has been provided in relation to the odour assessment and predicted ground-level concentrations of odour at the Jacfin site are close to, and probably exceed, the criterion for populated areas of 2 OU.

Further, the results of the Air Quality Assessment are not considered reliable in circumstances where the Proponent, while purporting to have undertaken a worst-case assessment, has in fact underestimated the amount of waste that will be disposed of at the landfill if the Modification Application is approved. The air quality and odour impacts on surrounding land are therefore likely to be greater than assessed by the Proponent.

1.3 Character and Context

The existing Facility is out of character with the nature of development that is envisaged in the Precinct Plan and has in fact occurred throughout the Eastern Creek Business Hub. The Eastern Creek Business Hub has developed as a premier location for logistics and distribution related facilities, that contain significant commercial components.

In the circumstances, Jacfin submits that any expansion of operations at the Facility, in particular the landfilling aspects of the operation, should not be countenanced as it is directly inconsistent with the character of the area and future planned development in the locality.

1.4 Increased Landfilling and Reduced Recycling

The Modification Application is seeking to increase the amount of landfill waste that can be received by the Facility from 700,000 tonnes per annum (tpa) to 1,000,000 tpa and exclude waste generated by recycling processes within the Materials Processing Centre and the Pre-Sort Building from the landfill cap. As such, the Modification Application would effectively allow in excess of 1,000,000 tpa to be disposed of to landfill at the Facility.

As the Facility is permitted to receive a maximum of 2,000,000 tpa of waste and the Proponent does not seek to increase this limit, the effect of the Modification Application will be a reduction in the proportion of waste received by the Facility that must be recycled (i.e. over 1,000,000 tpa of the total 2,000,000 tpa of waste that can be received by the Facility would be able to be disposed of to landfill, in contrast to the current level of 700,000 tpa).

This decrease in the proportion of materials recycled at the Facility is directly inconsistent with government policy, specifically the objectives and goals of the '*NSW Waste Avoidance and Resource Recovery Strategy 2014-21*' and is therefore inappropriate.

2 Further Considerations

Development consent for a separate proposal to construct an Energy from Waste Facility (**EfW Facility**) on land adjoining the Genesis Facility at Eastern Creek was refused by the Independent Planning Commission in July 2018. Notwithstanding this, Figure 1.2 of the Environmental Assessment for the Modification Application shows the proposed 'Next Generation Facility' as forming part of the local context.

The availability of sufficient waste to supply the proposed EfW Facility was one of a multitude of issues raised by submitters by way of objection to that proposal. The Genesis Facility was identified as the primary source of waste fuel for the proposed EfW Facility. An increase in landfill waste at the Genesis Facility could therefore be regarded as paving the way for a renewed application for a EfW Facility, in circumstances where this form of development has already been assessed and determined to be inappropriate by the Independent Planning Commission.

In addition to the issues raised above, Jacfin considers that the previous proposal for an EfW Facility adjacent to the Genesis Facility and the proposed interaction between the two facilities is a matter that should be kept in mind in terms of the broader context of the Modification Application.

Jacfin appreciates the Department's consideration of the issues raised in this preliminary submission. As noted above, Jacfin will supplement the above summary of issues in relation to the Modification Application by way of a final submission to be provided by 24 October 2018.

Yours sincerely



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