Light Horse Business Centre

Application No. 06_0139

Proponent's Response (PR3) to Submissions to DOP during the Exhibition Period

Objectors: Minchinbury Residents' Action Group (MRAG) (Submission #96) and anonymous submissions #84 and #95

Executive Summary

This response deals with the objections by MRAG and the anonymous submissions nos. 84 and 95. The issues raised have all been dealt with by the Proponent in earlier responses, the consultation process and the EA. For this reason, this document is intended to respond in summary form only.

In responding in this way, the Proponent does not intend any disrespect to the objectors, merely to acknowledge that there is great overlap between the matters raised by most objectors.

The Proponent notes that the submission by MRAG includes a number of factual errors and inaccuracies and the Proponent deals with each of these in turn below:

- The nearest Minchinbury dwelling is not 120 metres from the site boundary of the Project. In deference to views expressed by Blacktown Council in 2007, the Proponent confined its proposed operations so that the northern boundary of the proposed development is 500 metres from the nearest residence and separated by a 6-lane motorway.
- The local primary school is not 250 metres from the landfill location.
- The submission contains inaccurate distance representations and then concludes that the proposed landfill is not within a distance proscribed by legislation. This is simply incorrect.
- The submission provides that there are sections missing from the EA. The MRAG is directed to the index at the front of the EA which correctly references all sections.

Other issues that have been raised by MRAG are dealt with specifically below.

Operational times

Hours of operation of the Project are dealt with in section 3 of the EA at page 78.

For clarity, it is not proposed that the Project will involve a 24 hour operation. Rather it has been proposed as follows:

- that Landfilling may take place 6am to 6pm, 7 days per week.
- that material processing may take place between 6.00am to 10.00pm, 7 days per week
- that for limited occasions there may be deliveries after 10.00pm and Blacktown Council has suggested some limiting conditions on this to which the Proponent agrees.

It is proposed that ancillary office/administrative functions, cleaning and maintenance together with security functions may be carried on at the Site up to 10pm provided that there is no operation of heavy plant or machinery.

The DECC has suggested that material processing operations should not be carried on after 6.00pm on any day until further independent noise assessments have been carried out. If these assessments demonstrate that there is no adverse effect on the residents of Minchinbury, then operating hours should be as set out in the EA. The Proponent agrees with this approach by DECC.

Noise

This has been dealt with at length in the EA (Chapter 10 at page 204). The Proponent refers to this, together with its response to the many other submissions regarding noise.

The noise impact assessment was undertaken in accordance with the DECC (2000) Industrial Noise Policy (INP), DECC (1994) Environmental Noise Control Manual (ENCM) and DECC (1999a) Environmental Criteria for Road Traffic Noise (ECRTN).

Construction works for the Project are expected to last for approximately 6 months, conducted during daytime hours. Construction noise is not expected to exceed criteria levels identified by ENCM.

Noise levels for all stages of the Project operations are predicted to meet the relevant Project specific noise criteria at assessed sensitive receivers (nearby residences) under

all meteorological conditions during the evening, night-time and morning shoulder period.

Although Site operations will generally not occur during the night time, approximately once per week waste may be received at the site after 10pm from time to time. The modelling results indicate that maximum noise emissions during night time operations under INP weather conditions are predicted to remain below the sleep disturbance noise criteria at all assessment locations.

The Noise Assessment recommended that the following noise mitigation measures be adopted

- restriction of normal hours of operation between 6am and 10pm, with landfilling operations further restricted to the hours between 6am and 6pm (receivable of material would only occur after 10pm on occasion); and
- construction of impervious barriers at various positions around the facility, including 10 m high barriers to the north, north-west, west and south of the main area of operations and retention of the existing earth mound to the north-east of the quarry pit.

These recommendations have been incorporated into the Project design or as part of operational procedures.

Materials to be received at the facility

MRAG has raised general environmental concerns about the disposal of certain materials and a perceived risk that management practices may permit the acceptance of putrescible materials.

The Proponent and its group have operated waste transfer stations and a landfill for a number of years and has had long experience in developing and operating management practices to ensure that prohibited materials are found and excluded. Those practices are detailed in the site Environmental Management Plan which has been prepared and will be provided from time to time to DECC.

The Proponent's Alexandria site which is visited by both seagulls and ibis is less than 2 kilometres from the beach, 1 kilometre from Cooks River and and only 150 metres from Alexandria Canal. The presence of these birds is not unusual. At Minchinbury the same activities which are carried out at Alexandria are proposed to take place within an enclosed building.

Asbestos and lead-based materials

Certain materials such as lead acid batteries for example are not landfilled as they are generally transported off site for recycling by others while other materials such as asbestos cannot be recycled and must by law be landfilled. Recent increases to the levy rate applicable to landfilled materials under s88 of the Protection of the Environment Operations Act work as an incentive to recycle those materials capable of being recycled.

Green waste and odour

Of the materials proposed to be received at the facility green waste is the material which presents the greatest concern to residents.

It is proposed that segregated green and wood waste loads, along with green and wood waste recovered by sorting at the MPC will be tipped at the respective stockpiles adjacent to the work floor for processing (refer to *Figure 3.2* of the EA).

Green waste will be shredded and stockpiled in windrows, which will be turned every two weeks or as required if the temperature in the pile gets over 70degrees Celsius. The composting process will be aided by spraying the stockpiles with water collected from a sump at the green/ wood waste stockpiles.

No putrescibles, biological materials or animal products will be used for the composting process.

The composting process may be accelerated with the use of the oxidizing agent Biomagic that will be used for control odour within the leachate collection system.

In Table 3.2 of the EA the proponent indicated certain stockpile quantities proposed to be kept on site at any given time. It is stated:

"Stockpiles will be kept to the limits provided in Table 3.2 below and will not exceed the height of the earthen berms."

Stockpile Limits

Material	***Stockpiled quantity (t)***
Green Waste & Timber for re-use	*20,000*
Shredded green waste and timber	*20,000*
Glass	*5,000*

Material	***Stockpiled quantity (t)***
Plastic	*5,000*
Scrap metals	*10,000*
Other material for processing and re-use	*600,000*

Landfill operations

Measures have been proposed to address potential odour emissions from landfill gases and green waste stockpiles.

Materials in the incoming mixed waste stream which are capable of decomposing and methanogenesis in a landfill will be removed whilst those materials are in the MPC.

These materials can include paper, cardboard, plant matter and timber. Removal of these makes these available for off site recycling and reduces the opportunity for the generation of landfill/greenhouse gases and odours.

Recycling green waste as a mulch and a soil additive is also thought to be beneficial in reducing greenhouse/landfill gas generation and can be managed effectively.

The proponent currently uses a product referred to as 'BioMagic**'** which is a solution that acts as an oxidising agent to speed up the bacteria consumption of waste in order to reduce or eliminate odours. This product is proposed for use on any identified odour source at the site including the green waste stockpiles, composting products, the active tipping face and uncovered tipping areas. BioMagic is a product marketed in connection with the operation of septic waste water systems and with campsites as a means to eliminate foul odours.

After some research, the Proponent discovered its application and suitability for use in connection with the processing of green waste.

It is inexpensive and easily applied by spraying during the period up to 8 weeks after shredding. Generally speaking, after the 'composting' period for green waste (about 6 weeks) has passed, the risk of odour reduces to nil (whether or not Bio Magic is used). There is no advantage to a recycler to store mulched green waste in a stockpile for an extended period of time beyond this as the advantage is to add the mulch to soil for re-use and sale. This is the process which takes place at the Alexandria site.

Whilst Bio Magic has the potential to control odour emissions from many of the sources listed in Table 9.5 of the EA**,** it is to be noted that no emission reduction has been assumed for the dispersion modelling.

The dispersion modeling by Holmes Air Quality indicates that even without taking into account any beneficial effects of the use of Bio Magic no sensitive receivers (residents) will be affected by odour.

The Proponent is mindful of the concerns of residents and is particularly mindful that odours generated by existing odour sources in the region (the WSN facility) will be likely to be attributed to the Proponent's facility.

In deference to residents' concerns regarding the potential for odour emissions, the Proponent proposes to amend its EA in the following respect.

"That of the proposed stockpile(s) quantity of 20,000 tonnes of green waste and timber for re-use (see table 3.2), at any relevant time, no more than 25% of this by weight will consist of green waste;

And

That of the proposed stockpile of shredded (processed) green waste and timber:

No more than 10,000 tonnes of shredded composting material will be permitted on site at any relevant time."

This represents a reduction from a total of 40,000 tonnes (as presently indicated in the EA) to a proposed 15,000 tonnes.

The following caveat is attached to this proposal:

- *not earlier than 12 months after commencement of operation; and*
- *provided that there are no detectable odours beyond the boundary of the Site; and*
- *that the management measures outlined in the EA are in operation*

Then the applicant may be allowed to increase its site stockpile limit progressively to not more than those limits outlined in the EA.

This will be added to the Proponent's Statement of Commitments.

Landfill located at Alexandria

The MRAG submission demonstrates confusion as to whether this Eastern Creek proposal is to be likened to or differentiated from the Alexandria site owned by the Proponent. This may simply be due to inaccurate information held by MRAG.

MRAG is incorrect in asserting that the Alexandria site is not a landfill. It has been an EPA licensed landfill for approximately 20 years. It is still a landfill, a recycling centre and a waste transfer station. It is located within 6 kilometres of the Sydney GPO and 5 kilometres from the airport. Within 8 metres of its boundary are fast food restaurants, motels factories and residences. Further, it is licensed to accept asbestos and does so.

In accordance with its undertakings to the DOP, the Proponent has not carried out business operations at Minchinbury and has not blasted in the quarry. Whatever complaints the Minchinbury residents may have in relation to the operations at the Site, these are not applicable to the Proponent.

Employment opportunities.

With due respect to MRAG, the Proponent believes that it is unquestionably better placed than MRAG to assess how many employees it will take to operate a facility of the kind proposed.

If 49 new employment opportunities are generated in the Minchinbury/Blacktown area this has a positive impact on the local area and economy.

Community Consultation

MRAG seems to raise concern that there has been inadequate community consultation. This is disingenuous, particularly as MRAG was involved in the process.

Prior to commissioning ERM to prepare the EA, the Proponent pro-actively undertook voluntary and wide ranging consultation with Minchinbury residents and relevant State and local authorities. The primary objective of the initiative was to provide a mechanism for dissemination of information about the Project to these groups and for obtaining feedback. The stakeholder consultation approach adopted by the Proponent throughout the EA process was structured to provide open and transparent communication with the local community and key stakeholders.

Additionally, this process aimed to ensure that:

- the community was fully aware of the Project;

- there were multiple mechanisms for community participation and for ongoing communication and feedback. These mechanisms included information pamphlets, website message board, website correspondence and a media release;
- opportunities were provided for residents' queries to be addressed directly by the Project team to minimise the likelihood of incorrect information being passed through the community;
- community issues and concerns about the Project were identified at an early stage of the EA process;
- issues raised by the community were to be pro-actively assessed and managed throughout the Project; and
- appropriate solutions and mitigation strategies were developed by the Project team and through the EA to minimise perceived adverse potential impacts of the Project.

Overview of Proponent's consultation process

In October 2006, the Proponent prepared and distributed pamphlets to all Minchinbury residences and businesses via a letterbox drop.

The pamphlets provided information about the Project and the Proponent and responded to issues of potential community concern relating to the Project, including noise and dust management and traffic generation. The pamphlet also invited residents to make comments and/or inquires. A copy of this pamphlet is provided in *Annex B* to the EA. The pamphlet contains an overview description of the Project and issues initially identified in the first pamphlet were noted as:

- Odour
- Dust
- Traffic
- Noise

These were subsequently the subject of approximately 50% of all callers to the DOP during the Exhibition Period.

In addition, the Proponent gave a media release in October 2006 which provided an overview of the Site history, the Project, the current stage in the approvals process and proposed environmental management measures (also refer to *Annex B* of the EA).

As a result of the Proponent's pamphlet and media release a number of Minchinbury residents contacted members of the Proponent project team by telephone, in writing or by email.

The queries and concerns raised by individual members of the local community were responded to in writing.

Additionally, the Proponent used the following methods to raise community awareness of the Project:

- 2 letterbox drop pamphlets to the residents of Minchinbury;
- information booklets distributed via Council officers;
- information booklets distributed via the local State Member, Richard Amery MP;
- information available on the Proponent's website and blog;
- DVD presentation to Council;
- information contained within the EA and accompanying specialist consultants' reports;
- information contained within the Proponent's Statement of Commitments that forms part of the Project's application;
- information contained within the Site Landfill Environmental Management Plan;
- direct correspondence; and
- public display of the DVD presentation on You Tube throughout the Exhibition Period.
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Social research – focus groups

ERM's engagement to prepare the Part 3A application for the Project required ERM to undertake social research into community perceptions of the Project.

Social research was conducted in the form of 2 focus group meetings held by ERM at Rooty Hill RSL on 16 October and 24 October 2007 respectively.

Residents were selected randomly, with the selection criterion designed to ensure group attendees were representative of Minchinbury's demographic profile. A total of 18 people attended the focus groups.

Issues raised related to potential and perceived environmental, social and economic impacts, along with requests for further information about the Project. The results of the focus group are discussed in Section 5.4 of the EA and summarised in Table 5.1 of the EA (at page 121).

The Proponent submits that there has been a large amount of community consultation.

Property values

MRAG has expressed the concern that proximity to the proposal is likely to have a depressive effect on their home values. There is no evidence to support this conclusion.

Further, the Proponent has accessed the Residex Pty Limited database (www.residex.com.au) which has compiled real estate information from all state and territory governments into one database. This website reports that Minchinbury falls into the top suburbs with a median house price range of less than $400,000 and where the predicted values are expected to grow at more than 4% per annum, with an average predicted growth of 9.1% per annum in the value of houses during the period from Jan 99 to Jan 09.

This growth has occurred notwithstanding the existence in Minchinbury of 2 x 6 lane motorways, an active rock quarry and at least 2 existing landfills, both of which accept and dispose of asbestos. The Proponent submits that there is no evidence to support a submission that the Project will lead to a diminution in property values in the surrounding area.

Dust and air quality

Potential adverse odour impacts were identified by the community as an issue of concern, including the issue of green waste.

The Proponent refers the submitters to The writer is referred Appendix E of the EA, being the Air Quality – Odour and Dust report prepared by Holmes Air Sciences (**Holmes Report**).

The Holmes Report has assessed the dust and odour impacts associated with the proposed materials processing centre, waste transfer station and non-putrescible Class 2 inert and solid waste landfill facility. Dispersion modelling has been used to predict off-site dust and odour levels due to the proposed activities.

Holmes has used DECC requirements for meteorological data for air dispersion modelling (see page 5) in preparing its report. which is the report and modelling prepared by Holmes Air Sciences. In Section 9 of the EA its is stated,

Odour modelling results in accordance with DECC odour assessment criteria are set out in Table 10 (page 21) and shown in *Figure 10* of the *Air Quality Report* (Air Holmes Sciences, April 2008*)* in the form of contour plots and show the extent to which odours are predicted to occur for 99% of the time of the Project's operations.

The assessment of odour impacts is set out on page 26 and provides:

"*Odour modelling results are shown in Figure 11. The contours extend further to the north and south, consistent with the predominant wind patterns in the area. It can be seen that the most stringent DECC odour criteria, of 2 odour units,* ***does not extend into any residential areas, suggesting that adverse odour impacts from the project would not occur****"which is considered* to be acceptable for the whole population does not extend into any residential areas. This indicates that adverse odour impacts from the Project would not occur. The results for two nearby residences are presented in *Table 9.6* and also demonstrate compliance with applicable criteria. (Emphasis ours)

The Holmes report concludes (at page 27):

"Odour levels at nearest receptors were predicted to be below the most stringent assessment criterion noted by the DECC. The results therefore suggested that there would be no adverse odour impacts associated with the project. Modelling assumed that some reduction to "standard" odour emissions from Class 2 landfills were appropriate and landfill gas monitoring would be important to show that the odour emissions are as low as anticipated".

In relation to green waste, the Proponent directs the submitters to page 42 of the EA in which justification for the acceptance and recycling of green waste at the RRF is clearly set out. The listed advantages to accepting and recycling green waste at the Site are:

- more flexibility as a wider range of materials are able to be accepted;
- in keeping with the Proponent's core business and enables the Proponent to take advantage of green waste processing and environmental management experience developed at the Alexandria landfill facility;

- maximises resource recovery undertaken at the facility, in line with NSW waste avoidance and resource recovery goals;
- recycling of green waste reduces greenhouse gas emissions associated with landfilling of biodegradable waste, by maximising recycling and recovery of these materials; and
- facilitates production of a valuable recycled product and generates revenue from its sale.

In conclusion, the EA provides (at page 43) that recycling of green waste is a, "*preferred option as it facilitates a higher level of resource recovery at the site and is in keeping with DECC goals of maximum resource recovery*."

Leachate

In consultation with the DECC the Proponent has commissioned further studies to be undertaken by appropriate experts on the question of the geological attributes and hydraulic containment features of the rock in the quarry.

The outcome of these studies will determine the future actions.

Need for the Project

MRAG has raised that there is no justifiable need for the Project. The Proponent refutes this submission and refers the objectors to Section 1.5 of the EA (at page 15) which provides:

"In addressing requirements for the Project, 2 separate criteria of "needs" are addressed:

- *The need for the Project as set out in the Director General's requirements; and*

The "justifiable demand" for the landfill as required by State Environmental Planning Project 59 – Central Western Sydney Economic and Employment Area.

The consideration of "need for the project" in this EAR as looked at the overall scope of the Project on a number of bases set out below, whereas the justifiable demand for the landfill has focussed more heavily upon issues relating to potential waste streams in the Sydney Metropolitan region and the capacity of the landfill site to receive this waste and the capacity of the Materials Processing Centre to cater for recyclable waste.

The need for the Project derives principally from the inherent environmental, social and economic benefits it will enable to be realised, including:

- *provision of a waste disposal and resource recovery facility for up to 20 million tonnes of Sydney's inert and solid waste (non putrescible) per annum;*
- *ability to optimise the use of a former quarry site that is no longer economically viable for use as a quarry;*
- *provision of employment, with approximately 30 people to be directly employed during construction and approximately 54 people during operations (includes 20 truck drivers for transportation of waste material to and from the Site), and indirect employment generated via support services such as maintenance workers and short term contractors;*
- *economic benefits to the local and regional community via capital injection and value added spending;*
- *enhancement of the economic position of the Proponent which in turn will fuel investment in other projects;*
- *rehabilitation of the former quarry site, by infilling, to facilitate its future re-sue for uses consistent with the surrounding precinct;*
- *preservation of an area of Cumberland Plains Woodland and its associated ecological, heritage and amenity values;*
- *reduction in green house gas emissions through recycling of incoming waste materials into the Site;*
- *contribution to meeting the aims of SEPP 59 and overarching government waste avoidance and recovery legislation, policy and directives;*
- *recycling of building and construction materials to minimise quarrying for natural resources;*
- *provision of a supply of building, construction and landscaping materials; and*
- *help to address the scarce commodity of landfill space being available in Sydney.*

To facilitate future economic development for the site and hence meet the SEPP 59 aims for long term economic development and employment within western Sydney, the quarry void must be rehabilitated.

An assessment of alternative uses for the quarry void (refer Chapter 2) found landfilling to be the most feasible use/rehabilitation strategy. This is recognised in the SEPP 59 provision for use of the Site for a waste facility (refer Section 4.3.5)."

Incomplete final assessment

MRAG incorrectly asserts that certain information referenced in table 5.1 has been omitted from the final report. This is not so. MRAG is referred to the index page at the front of the EA.

Conclusion

The issues raised by MRAG have been comprehensively dealt with by the Proponent through the community consultation process and in the EA. There is no technical evidence put forward by MRAG to support any of its submissions. The reference to a community website by MRAG is unknown to the Proponent and it is therefore unable to make any comment upon it. It is submitted that no weight should be given to MRAG's submission.