

Light Horse Business Centre

Application No: 06_0139

Proponent's Response (PR5) to Submissions to DOP during the Exhibition Period

Objector: Anonymous Resident

Executive Summary

Anonymous Resident (**AR**) sent a letter dated 6 February 2009 to R Moore of Blacktown Council (**Council**). AR is part of the Minchinbury Residents Action Group.

The issues raised by AR are:

- Disappointment with Council's resolution to support the Project
- Failure by Proponent to include material matters within the EA
- Acceptance of green waste at the RRF
- Noise
- Dust
- Asbestos
- Community consultation
- Litter
- Local property values

The Proponent responds to each of these issues further below.

General response to AR submission

First, the Proponent is surprised at the submission of AR, given the large amount of community consultation the Proponent has undertaken. The matters AR raises are matters that the Proponent has previously addressed in the following manner:

- 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;
- public display of the DVD presentation on U Tube throughout the Exhibition Period.

Disappointment with Council's decision to support the Project

AR states:

"We (Minchinbury Residents Action Group) write to you to express our disappointment with Blacktown City Council, following Council's ordinary meeting on Wednesday 4th February 2009.....We were then advised on Wednesday evening, by Glennys James, that "draft" support of this DA had already been submitted to NSW Dept of Planning prior to Council's meeting"

The Proponent cannot comment on decisions made by the Council.

However, it is noted that the Council has made a detailed submission to the DOP (letter dated 17 February 2009), in which Council states, *"Council recently resolved at its Ordinary Meeting held on 4 February 2009 not to oppose the proposal outright, instead providing "in principle" support on the strict proviso that the proposal does not have any adverse impact on the residents of Minchinbury"*.

The Council's submission also includes recommended conditions to, *"adequately address both Council's and the community's concerns"*.

Failure by Proponent to include material matters within the EA

On page 2 of AR's submission, it is asserted that certain sections stated to exist within the EA do not in fact exist. These are, with respect, erroneous conclusions that have been reached. The Proponent directs AR back to the EA and to the table of contents. The index at the beginning of the EA clearly and correctly

references the issues of concern to [REDACTED] AR. Some contents and tabulation changes to referenced sections occurred in the finalisation of the EA.

Green waste

AR states:

"We presented to Council, on Wednesday evening, our concerns with green-waste being tipped at this landfill. Although not defined as putrescible in NSW (it is in other States) it is organic, it will break down and it will create methane gas."

The Proponent directs AR 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"*.

Noise

AR states:

"No mention of the...noise...which is the majority of concerns from the residents..."

Noise measured for the final report does not take into account wind levels or wind direction. In addition, the noise assessments were made during the day. No assessment of noise has been recorded between 6pm – 10pm or from 2am on weekends (operational times requested by the Applicant). Therefore, this is not an accurate reading of the noise levels of Minchinbury – after peak hours”.

The Proponent refers AR to section 10 of the EA (page 204) which provides an assessment of the potential for noise from the Project to impact the surrounding community, taking into consideration the existing noise conditions. It also outlines noise mitigation measures to be employed.

The noise impact assessment assessed potential noise impacts associated with construction works, general site operations, project-related traffic on the roads surrounding the site and cumulative impacts from the Project and existing industrial facilities in the area.

The methodology used was in accordance with the DECC (2000) *Industrial Noise Policy* (INP), together with the DECC (1994) *Environmental Noise Control Manual* (ENCM) and DECC (1999a) *Environmental Criteria for Road Traffic Noise* (ECRTN).

The EA recommends certain management/mitigation measures that the Proponent is prepared to undertake as part of its conditions of consent, should the Project be given approval. The EA (at page 219) provides:

“Given the site’s location near to residences, due consideration was given from the outset to minimising potential noise impacts to the surrounding neighbours. The Project design incorporates the following noise mitigation measures, which were included in the noise modelling:

- *Restriction of normal hours of operation to 6am to 10pm, with landfilling operations further restricted to the hours between 6am and 6pm (receipt of material would only occur after 10pm on occasion); and*
- *Construction of impervious barriers at various positions around the facility, including 10m 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.*

In addition, it is recommended that the following noise mitigation measures be included in a Noise Management Plan prepared for the site, potentially as part of the overall WMP:

- *All on-site, fixed and mobile diesel powered plant, excluding road vehicles, are to be correctly fitted and maintained in accordance with the manufacturer's specifications. Particular attention is to be given to engine exhaust systems and the care and maintenance of mufflers.*

To reduce construction noise experienced at the nearby residences, the following ENCM time limits for construction activities where construction noise is audible at residential premises will be adhered to:

- *Monday to Friday, 7am to 6pm;*
- *Saturday, 8am to 1pm (or 7am to 1pm if inaudible at residential premises); and*
- *No construction on Sundays or public holidays".*

The report concludes (at page 220) that noise levels generated by the Project during construction and operations are not predicted to exceed relevant DECC criteria at sensitive receivers and can be managed by implementation of management measures outlined above.

Further, the EA concludes, ***"no adverse cumulative impacts from Project noise plus existing industrial noise in the area are predicted. Night-time operations are not expected to cause sleep disturbance and no significant noise impacts from road traffic generated by the Project are predicted"*** (emphasis ours).

Dust

AR states:

"No mention of the dust...which is the majority of concerns from the residents."

This statement is disingenuous. The Proponent refers AR to Section 9 of the EA (at page 189) which presents the outcomes of the air quality assessment undertaken for the Project, which assessed the potential for dust and odour emissions from the Project to impact air quality of the surrounding community.

Measures are included to ensure identified potential impacts are appropriately managed.

Asbestos

AR states:

"No mention of the...asbestos...which is the majority of concerns from the residents...The applicant's final report outlines their processes for dealing with asbestos in clauses 3.4.1 and 3.4.2. These clauses have one sentence each on handling asbestos products. In addition there is no mention of continuous air monitoring for asbestos fibres as per various Codes of Practice (State and Federal)".

The Proponent has legal obligations pursuant to the *Occupational Health and Safety Act* and the *Protection of the Environment Operations Act* in relation to the management and handling of asbestos. If the Project proceeds the Proponent will meet its legal obligations in relation to the handling and disposal of asbestos waste.

Community consultation

AR states:

"Community consultation – Table 5.1 this table refers to Section 17.8.3 to address various community concerns. This Section does not exist in this final report".

Table 5.1 provides that community consultation is dealt with in Section 5 of the EA (at page 116). The Proponent directs AR to this Section and also to the comments above. In particular, Section 5.3 of the EA (at page 118) provides that the Proponent undertook community consultation prior to the commissioning of the EA. The consultation process involved pamphlet drop, a media release, focus groups and consultation with Aboriginal stakeholders. AR has been part of this process.

Litter

AR states:

"Table 5.1 (page 121 of the Final report) states that litter management will be addressed in Section 16.3 of the Final Report. This Section does not exist in this final report."

With due respect to AR, Section 16.3 exists in the EA and can be found at page 299.

Page 121 of the EA makes reference to litter management as an issue raised by stakeholders during the consultation process. Management of litter is an operational matter. It is usual for a matter of this nature to be dealt with in an Environmental Management Plan. The EA provides that the issue of litter management is dealt with in Section 16.3. This section concludes that waste generated by the Project will be dealt with by the management procedures for waste detailed within the site Environmental Waste Management Plan (EWMP).

Local Property Values

AR states:

"...Minchinbury residents now face the possibility of great financial loss due to real estate depreciation this 24/7 hazardous waste tip will create for Minchinbury".

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.

Conclusion

The AR submission is directed at disappointment with Council's decision to give conditional support to the Project. Other issues raised are not supported by any technical evidence and are mostly based upon factual errors. The Proponent submits that no weight should be given to the submission of AR.