

Light Horse Business Centre

Application No: 06_0139

Proponent's Response (PR4) to Submissions to DOP during the Exhibition Period

Objector: Sargents Charitable Foundation

Executive Summary

Otto Stichter & Associates solicitors acting on behalf of Sargents Charitable Foundation (Sargents) sent a letter dated 4 February 2009 to DOP (Submission #35).

The issues raised by Sargents are:

- EA is inadequate
- Odours
- Noise
- Leachate dams holding polluted waters with a propensity to discharge onto Sargents' land
- Vehicular movements
- Insufficient details of landfill levels
- Raising the height of Archbold Road with an adverse impact upon Sargents' Land
- Rubbish deposited on Archbold Road from trucks making deliveries
- Sterilising Sargents' ability to develop its land in accordance with SEPP 59

The Proponent responds to each of these issues below.

EA is inadequate

Sargents state:

"2. The Environmental Assessment Report dated December 2008 of Environmental Resources Management Australia is inadequate and insufficient in respect of consideration of the aspects of odour, noise, pollution and traffic matters associated with the proposed use".

The EA is extensive and involves detailed assessment of all environmental and planning aspects of the Proposal including odour, noise, pollution and traffic. As this objection is general in nature the Proponent is unable to comment further.

Odour

Sargents state:

"3. The proposed use will create continuous unfavourable odours over a widespread area for not less (and probably more) than 25 years".

This statement is not backed up with any technical evidence to support it.

Nevertheless, the Proponent refers Sargents to 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. Odour modelling results in accordance with DECC odour assessment criteria are set out in Table 10 (page 21) 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, 2 odour units, **does not extend into any residential areas, suggesting that adverse odour impacts from the project would not occur.**" (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".

Noise

Sargents state:

"4. The proposed use will create noise of a sort and at levels which are reasonably unacceptable for adjoining land, for an unlimited period in that this activity will continue after the landfill is completed".

With respect, this objection is ill-founded and fails to take into account the existing activities on Site which, in addition to quarrying, blasting and digging, are exactly the same crushing, grinding and recycling activities that have been undertaken on the Site for the previous 30 years. To that extent (and excluding quarrying), the proposed activities are no more than a continuation of existing uses to which, to the Proponent's knowledge, Sargents has not previously objected.

The Proponent refers Sargents 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).

Leachate

Sargents state:

"5. As part of the proposed use, the Applicants propose the construction of a number of leachate dams which will hold water resulting from the activities proposed. Such water will be polluted and other than pure. In the event of overflow during periods of rain, the leachate dams will discharge such polluted and/or contaminated water onto Sargent's land and into Ropes Creek, located within Sargents' land.

The submission appears to misconceive the Project in relation to the management of leachate and fails to differentiate between that and the management of surface stormwater.

These are managed as separately and distinctly as stormwater and sewer are managed on any other site. There are no proposals for leachate dams with a capacity to overflow onto any neighbouring land.

It is submitted that this objection should be given no weight.

Traffic and transport

Sargents state:

"6. The amount of vehicular movements associated with the proposed use is unacceptable....

8. Objection is made to the raising of height (sic) of Archbold Road and the adverse impact upon Sargents' land thereby...

10. A further concern is the rubbish which will accumulate on Archbold Road from dropped items from the trucks making deliveries."

This submission is unfounded and should be given no weight. These objections appear to be predicated upon a misunderstanding by Sargents that the Project involves the use of Archbold Road or access through Archbold Road. It does not. Archbold Road, its use, height or any other factor is entirely excluded from the Project.

Further, the EA has provided a detailed assessment of impacts of the Project upon traffic and transport and the Proponent refers Sargents generally to page 222 onwards of the EA.

Asbestos

Sargents state:

"9. Objection is also made to the site being used for asbestos handling and disposal".

The Proponent is unable to ascertain the basis of Sargents' objection from this statement. As a general comment, 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.

Redevelopment of Sargents' land

Sargents state:

"11. The proposed use, if carried out, will have the effect of unreasonably interfering with the ability of Sargents to develop its land, contrary to the aims and objectives of the zoning as expressed in SEPP 59 and contrary to the draft Western Sydney Employment Hub SEPP".

The Proponent is unable to ascertain the precise nature of Sargents' objection from this statement. However, the redevelopment of Sargents' land is not a proper matter for consideration in the assessment and determination of the Project.

Landfill levels

Sargents state:

"7. Insufficient detail is provided in respect of landfill levels".

The Proponent is unable to ascertain the precise nature of Sargents' objection from this statement. It is submitted that this objection should be given little, if any, weight.

Conclusion

The objections by Sargents are either based upon erroneous and incorrect assumptions regarding the Project or are planning matters already addressed in great detail within the EA. The objection overall is vague in nature and does not contain any technical evidence. It is submitted that the Sargents' objection should be given no weight in the assessment of the Project.