

ASSESSMENT REPORT

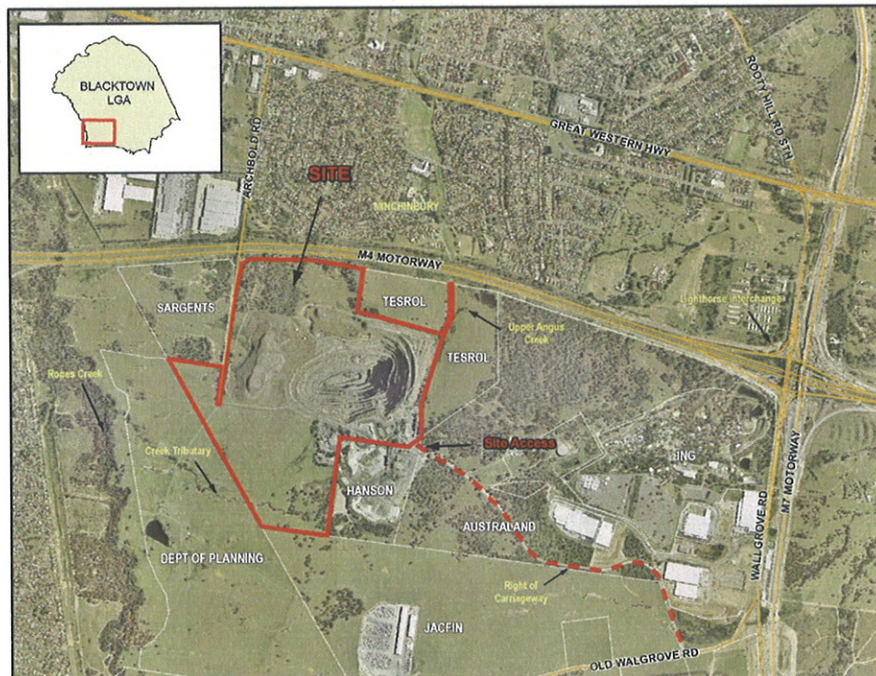
Section 75W Modification Eastern Creek Waste Facility (06_0139 MOD 2)

1. BACKGROUND

In November 2009, the then Minister for Planning approved a major project application submitted by ThaQuarry Pty Ltd and ACN 114 843 453 (ThaQuarry, the Proponent) to construct and operate a resource recovery and non-putrescible landfill facility at the former Pioneer Quarry site, Eastern Creek in the Blacktown local government area (refer Figure 1).

The project approval provides for:

- a waste recovery facility for recycling building and greenwaste;
- rehabilitation of the quarry void via a Class 2 (non-putrescible) landfill;
- a total throughput of up to 2 million tonnes of materials at the site per calendar year;
- landfilling of up to 700,000 tonnes of non-putrescible waste (including asbestos);
- stockpiling of up to 50 tonnes of tyres on site at any one time; and
- stockpiling of up to 20,000 tonnes of greenwaste on site at any one time.



Following the project approval, the Proponent undertook a boundary adjustment that resulted in a change to the land description.

In September 2010, the Minister's delegate approved a modification to the project approval to allow for, amongst other amendments, the construction of an electrically powered conveyor and chute for the conveyance of waste directly from the materials processing centre (MPC) to the base of the landfill.

When the Project Approval was modified by the Minister's delegate, the Notice of Modification issued by the Department erroneously referred to Lots 1 and 4 in DP 1145808 only, rather than all 4 lots

which comprise the Project site. This error was brought to the Department's attention by Council on 29 October 2010.

2. PROPOSED MODIFICATION

The Proponent has also acknowledged this error and requested that the approval be modified to reflect the correct land description details. Therefore, the proposed modification is purely administrative to correct the land (Lot and DP) to which the project applies. The correct reference is Lot 1, 2, 3 and 4 in DP 1145808.

3. STATUTORY CONSIDERATION

Approval Authority

The Minister was the approval authority for the original development consent and is consequently the approval authority for this application. However, on 25 January 2010, the Minister's powers and functions as an approval authority to modify certain project approvals under section 75W of the EP&A Act were delegated to the Executive Director, Major Projects Assessment. This modification application meets the terms of this delegation. Under these circumstances, the Executive Director, Major Projects Assessment may determine the application under delegated authority.

Given the modification application is purely to correct an administrative error, the proposal has not been exhibited or referred to agencies.

The Department notes that:

- the proposed modification does not seek approval for a new and different project and would not change the essential function for which approval was granted; and
- there would be no environmental impacts associated with the modification.

It is therefore recommended that the Executive Director, Major Projects Assessment, as delegate of the Minister, agree that the modification request falls within section 75W.

Exhibition and Notification

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. Given the minor nature of the proposed modification, the Department did not consider it necessary to consult with other agencies or members of the general public.

6. ASSESSMENT

The modification is purely administrative to correct the land (Lot and DP) to which the project approval applies. The Department considers this to be a minor, administrative modification with no associated environmental impact.

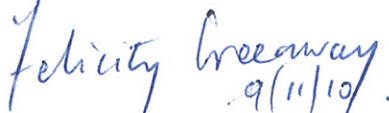
7. CONCLUSION

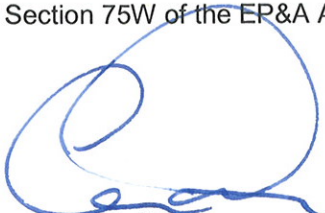
The Department has assessed the proposed modification in accordance with the requirements in Clause 8B of the EP&A Regulation. This assessment has found that the proposed modification would not have any environmental impacts. Consequently, the Department is satisfied that the modification should be approved.

8. RECOMMENDATION

Under delegation of the Minister, it is RECOMMENDED that the Executive Director, Major Projects Assessment:

- approve of the proposed modification under Section 75W of the EP&A Act; and
- sign the attached instrument (**tagged A**).


Felicity Greenway
Team Leader - Industry


Chris Wilson
Executive Director
Major Project Assessment

Christine Chapman
Major Project Assessment
9.11.10