



Your ref: MP06\_0139-Mod-10  
File no: MC-06-1449/9

29 December 2021

Industry Assessments - NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Attention: Ms Sheelagh Laguna

Dear Ms Laguna

**SSD MP06\_0139-Mod-10 – Landfill Gas Capture and Treatment Project,  
Eastern Creek Recycling Ecology Park, 1 Kangaroo Avenue, Eastern Creek**

Thank you for your correspondence of 10 December 2021 inviting us to provide input to the Secretary's environmental assessment requirements (SEARS) for the Eastern Creek Recycling Ecology Park Mod 10 – Landfill Gas Capture and Treatment Project. The proposed development is a State Significant Development Modification under the Environmental Planning and Assessment Act 1979.

Council has reviewed the MOD and associated reports and has no objection to the proposal subject to the advisory note and conditions listed in Attachment 1 being included in your final determination of the MOD.

If you would like to discuss this matter further, please contact our Manager, Development Assessment, Judith Portelli on 9839 6228.

Yours faithfully

Peter Conroy  
Director City Planning and Development

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All correspondence to: The Chief Executive Officer - PO Box 63 - Blacktown NSW 2148

## **Blacktown Council's submission to SSD MP06\_0139-Mod-10 – Landfill Gas Capture and Treatment Project, Eastern Creek Recycling Ecology Park, 1 Kangaroo Avenue, Eastern Creek**

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### Advisory Notes:

- The proposal should be referred to the NSW Environment Protection Authority as an integrated development for its General Terms of Approval including a License under the Protection of the Environment Operations Act prior to the issue of Construction Certificate.
- The proposal should be referred for Clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 for any infrastructure levy.
- The proposal is recommended to be notified to the residents in Minchinbury, Eastern Creek and Erskine Park (which lies in the Penrith Local Government Area) and invited to comment as already requested by Council in an earlier email dated 13 December 2021.

### Recommended conditions to be included in the determination of MOD 10:

#### GENERAL CONDITIONS

1. The development shall take place in accordance with:
  - the Statement of Environmental Effects prepared by Jackson Environment and Planning Pty Ltd dated 30 November 2021, and
  - the manufacturers guarantee, and
  - the Noise Impact Assessment as prepared by Wilkinson Murray and dated 27 November 2021, and
  - the Air Quality Impact Assessment and Greenhouse Gas Assessment as prepared by North Star Air Quality Pty Ltd and dated 30 November 2021.
2. The EPA General Terms of Approval DO NOT constitute a license, or license variation, under the Protection of the Environment Operations (POEO) Act 1997. The applicant is required to obtain a license from the EPA for the approved development pursuant to the POEO Act 1997, prior to the commencement of any construction works, or any works or processes associated with the proposed development.

#### DURING CONSTRUCTION CONDITIONS

1. During construction, the site shall be managed so as to minimise impacts associated with dust to protect the amenity of surrounding residents. Initiatives for dust suppression may include, but not be limited to: boundary treatments; the containment of stockpiled material and exposed areas, including sprinkler systems.

2. Sediment and erosion controls shall be implemented and maintained during all stages of construction. To ensure that construction activities have minimal impact on the environment it is recommended that all sediment and erosion controls are constructed in accordance with Council's Engineering Guide. Maintenance of sediment and erosion controls shall form part of their ongoing management and operation. Accordingly, the site manager should assess all sediment and erosion controls each day and initiate repair or maintenance as required. Furthermore, specific measures can be taken to mitigate pollution such as: containing stockpiled materials with a sediment fence and covering materials with plastic sheeting or geosynthetic materials to reduce the impact of wind and water.

#### OPERATIONAL CONDITIONS

1. Unless expressly permitted by an Environment Protection Licence administered by the Environment Protection Authority any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
2. Council's Environmental Health Unit is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
3. A post commissioning report produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the flare operating to validate the Acoustic reports findings.
4. Within 3 – 6 months of operating a post commissioning report is to be prepared by a National Association of Testing Authorities (NATA) accredited Contractor to undertake compliance emission monitoring of the Gas Collection System.
5. Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
6. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall carry out , an acoustic investigation by an appropriate acoustical consultant and submit the results to DPIE and Council .The person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council and DPIE to Council's satisfaction.
7. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

8. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
9. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, DPIE, Council and the EPA are to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.