



Submissions Report (MOD-3)

State Significant Development (MP07_0048-MOD-3)

Enviroking Liquid Waste Facility Project

843 John Renshaw Drive, Black Hill



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Abbreviations

Council	Cessnock City Council
DA	development application
DAF	dissolved air flotation
DFP	DFP Planning Pty Limited
DPE	NSW Department of Planning and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPL	Environmental Protection Licence
HWC	Hunter Water Corporation
LEP	local environmental plan
LGA	local government area
RFS	NSW Rural Fire Service
SEPP	state environmental planning policy
SSD	State Significant Development
STP	sewage treatment plant
TfNSW	Transport for NSW

1 Introduction

1.1 Introduction

In May 2023, an application under section 4.55(2) of the Environmental Planning and Assessment Act 1979 (hereafter referred to as MP07-0048-Mod-3 or the Modification Application) was lodged with the NSW Department of Planning, Housing and Infrastructure (DPHI) which proposes to modify development consent MP07-0048 for the Envirocking Liquid Waste Facility Project located at 843 John Renshaw Drive, Black Hill (the site).

The Modification Application seeks to increase the quantity of waste to be processed, treated or handled at the Site from 20,000 tonnes to 30,000 tonnes per annum and to specify the 12-month period to which the approved capacity relates so that Environment Protection Authority (EPA) licences can be adjusted to match and therefore, to minimise administrative burdens on the operator.

The Modification Application was notified between 16 May 2023 and 29 May 2023 in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The project team has reviewed the agency submissions received in response to the public exhibition and responded to each item raised in the tables referenced below:

- Water NSW (**Table 1**);
- Transport for NSW (TfNSW) (**Table 2**);
- Fire and Rescue NSW (**Table 3**);
- Environment Protection Authority (EPA) (**Table 4**);
- DPE Hazards Team (**Table 5**);
- Cessnock City Council (Council) (**Table 6**);
- NSW Rural Fire Service (NSW RFS) (**Table 7**); and
- Hunter Water Corporation (HWC) (**Table 8**).

This Submissions Report has been prepared in accordance with *State significant development guidelines – preparing a submissions report 2024*. It provides an analysis of submissions/advice received, summary of responses to matters raised and where relevant, directs DPHI to the sections of the Amendment Report and specialist consultant's reports where each item has been addressed.

1.2 Further Consultation

The following consultation will continue to be undertaken through the installation of new equipment and as part of the ongoing operation of the use.

- EPA – discuss the alignment of EPA licence periods and reporting to match those within the consent; and
- HWC – formal application for a Trade Wastewater agreement.

2 Analysis of Submissions

2.1 Introduction

This section of the report provides a high-level analysis of the submissions received during the public exhibition of the application including the groups/people that made submissions and a categorisation of the key issues raised in those submissions.

2.2 Breakdown of Submissions

During the formal notification period which concluded on 29 May 2023, advice from eight (8) public authorities were received. A copy of all submissions received located on the [NSW Planning Portal](#).

The public authorities that made submissions were NSW Water, TfNSW, NSW Fire and Rescue, EPA, DPE Hazards Team, Council, NSW Rural Fire Service and HWC. A response to the matters raised within these submissions is provided in **Table 2**.

No public submissions were received in response to the exhibition of the application.

The key issues raised are summarised in the subsections below.

2.3 Categorisation of Issues Raised in Submissions

2.3.1 Stormwater Management

The EPA raised issues in relation to the current management of some solid waste on-site in uncovered areas and the potential for adverse stormwater run-off. The EPA suggested that the uncovered area be covered and bunded. A response to this submission is provided in **Section 4.5** of this report.

2.3.2 Water Treatment Quality

HWC raised concerns relating to the quality of wastewater that is transported from the site to HWC sewage treatment plants (STPs) for disposal and requested that the pre-treatment process at the site be upgraded. A response to this submission is provided in **Section 4.9** of this report.

3 Actions Taken Since Lodgement

This section summarises the actions taken by the Applicant and project team since the public exhibition, with a view to addressing certain issues raised in submissions and agency advice.

3.1 Stormwater Management

In response to EPA's concerns regarding the potential for adverse run-off from the solid waste storage area at the rear of the site, the proponent has amended the application to include alterations and additions to the rear hardstand area.

These works consist of the extension of the rear awning to cover the existing hardstand area and enclosing the sides of this space as well as the installation of bunding along the northern edge of the hardstand to prevent run-off. These works are detailed in the Amendment Report.

3.2 Water Treatment Quality

In response to HWC's concerns relating to the quality of wastewater disposed of at HWC STPs, the proponent has amended the proposal to undertake internal alterations to the existing wastewater treatment shed.

These alterations consist of removal of redundant equipment and storage tanks, the installation of a Dissolved Air Flotation (DAF) unit for additional treatment of wastewater and the installation of new storage tanks and chemical storage areas to accommodate the improved treatment process. These works are also detailed in the Amendment Report.

4 Response To Submissions

4.1 Introduction

The following subsections provide a detailed response to the issues raised in the agency submissions received during the exhibition of the modification application.

4.2 Water NSW Agency Advice

Table 1 Water NSW			
Item #	Issue	Response	Reference
1.1	Please note that as the subject site is not located close to any WaterNSW land or assets, and as a Major Project any flood works or licensing approvals will be assessed by others, the risk to water quality is considered to be low and WaterNSW has no comments or particular requirements.	Noted. No change or response required.	N/A

4.3 Transport for NSW Agency Advice

Table 2 Northern Beaches Council			
Item #	Issue	Response	Reference
2.1	John Renshaw Drive (MR588) is a classified State road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the <i>Roads Act 1993</i> . TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.	Noted. No change or response required.	N/A

4.4 Fire and Rescue NSW Advice

Table 3 Fire and Rescue NSW			
Item #	Issue	Response	Reference
3.1	FRNSW have reviewed the Planning Report along with the Chemical Storage Assessment. It is deemed that the proposal has limited scope and application in regard to special hazards or special problems of firefighting. FRNSW submit no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation.	Noted. No change or response required.	N/A

4.5 Environment Protection Authority (EPA) Advice

Table 4 Department of Planning and Environment (EPA)			
Item #	Issue	Response	Reference
4.1	The EPA notes that the Review Documents addressed the key information requirements and indicated little to no impact of the modification to surrounding land users or stakeholders. However, the EPA is concerned about the capacity for solid waste storage from the increased throughput. The EPA has recently inspected the Premises and observed that a solid waste by-product material stored at the rear/side of the buildings was able to be impacted by rainfall. The EPA observed that waste woodchip is stored at the rear of the buildings uncovered; leachate from woodchip can be ecotoxic. There are no walls to prevent rainfall ingress to some key areas, and storage stockpiles can encroach onto uncovered areas, causing the potential for runoff from waste stockpiles to flow into the stormwater system. The EPA has been advised by Enviroking that since our inspection wastes inside the building have been "pulled back" to prevent them being impacted by rainfall. The EPA proposes to negotiate a Pollution Reduction Program (PRP) under the Licence requiring: the covering of the rear storage area; the enclosure of certain walls of the building; and the regrading of hardstand to prevent any spills from entering the stormwater system.	In response to the EPAs concerns regarding the impact of rainfall and potential run-off into any stormwater system, the proposal has been amended to extend the rear awning to cover the existing hardstand area and enclose the sides of this space. This addition is to be constructed of a low precast concrete bunded wall with steel cladding above and steel panel roofing. The rear section of existing concrete will be reformed to create a bunded northern edge to prevent any run-off with the bunded area being directed to an internal pit collection with any wastewater contained and treated within the facility before off-site disposal.	Amendment Report (Mod 3) – Section 2.6 Appendix A and Appendix B
4.3	Although not directly related to the modification application the EPA reminds Enviroking that it needs to have in place suitable management/disposal options in place for the increased throughput. All waste disposed to land must be conducted strictly in accord with any resource recovery order and exemption and in such a manner that the pollutants in the treated waste are sustainably reused by the land and not overapplied causing land pollution, water pollution or offensive odours.	The amended proposal does not seek to alter or deviate from the approved Environmental Management Strategy for the use, noting that Section 8 of the Environmental Management Strategy outlines the waste monitoring regime and tracking system that is currently employed and will continue to be employed. Furthermore, the installation of the DAF unit will improve overall water quality before it is disposed of off-site.	Amendment Report (Mod 3) – Section 3.4.5

4 Response To Submissions

4.6 DPE Hazards Team Advice

Table 5 DPE Hazards Team			
Item #	Issue	Response	Reference
5.1	<p>Following review of the Mod report and the Appendix O of the package, it is understood that the chemicals involved with the waste treatments are mostly not considered as dangerous goods, with the exception of HydraClean 6100. This chemical is considered as Corrosive Substance classed as DG 8, packing group III.</p> <p>The net increase of handling of this chemical is 9600L (from 19,200L to 28,800L), and according to Mod report, the onsite storage quantity of this material will not be increased by this modification. The changes in handling quantities and the total handling quantities onsite after the modification are both below SEPP 33 thresholds, as such this modification and the entire development is not considered as potentially hazardous.</p> <p>Based on the above, the risk from increase of handling the above DG Class 8 corrosive substance is considered as minimal. It is understood that the existing consent no 17 of Schedule 3 already include requirement of compliance with all relevant Australian Standards. As such, no additional requirement is proposed for this modification.</p>	Noted. No change or response required.	N/A

4.7 Cessnock City Council Advice

Table 6 Cessnock City Council			
Item #	Issue	Response	Reference
6.1	<p>Council has undertaken a review of the Section 4.55 Planning Report and supporting document that is currently on exhibition. Whilst Council has undertaken this review, it is anticipated that external agencies and other departments will consider specialised matter in greater details.</p> <p>In this regard, the following comments are made:</p> <ul style="list-style-type: none"> - Referral required to Transport for NSW as it is a state road (John Renshaw Road MR588). - Increase in traffic generation is considered to be minimal. <p>Council is generally supportive of the development and do not raise any issues with the proposed modification.</p>	<p>TfNSW raised no objection to the proposed development and concluded there would be no significant impact on the nearby classified (State) road network.</p> <p>Noted. No change or response required.</p>	N/A

4.8 NSW Rural Fire Service Advice

Table 7 NSW Rural Fire Service			
Item #	Issue	Response	Reference
7.1	<p>As the site is on Bush Fire Prone Land and access is an issue, a Bush Fire Assessment Report of the extent to which the proposed development conforms with or deviates from the specifications set out in Planning for Bush Fire Protection 2019 is required to be provided for an assessment. This shall include a classification of the vegetation on and surrounding the development (out to a distance of 140 metres from the boundaries of the property) and an assessment of the slope of the land on and surrounding the development (out to a distance of 100 metres).</p>	<p>The site is mapped and bushfire prone land although the nature of the existing use and the proposed modifications does not result in any statutory requirement with respect to bushfire.</p> <p>Notwithstanding, it is noted that the amended proposal includes a rear awning addition and that addition will be constructed of non-combustible materials and does not give rise to any greater risk to life or property than the continuation of the approved use without modification. Accordingly, it is considered that the proposal does not warrant a detailed bushfire assessment.</p>	Amendment Report (Mod 3) – Section 3.4.8

4 Response To Submissions

4.9 Hunter Water Corporation Advice

Table 8 Hunter Water Corporation (HWC)

Item #	Issue	Response	Reference
8.1	<p>1. Treated effluent from the Facility represents a high risk to the operation of Hunter Water's Wastewater Treatment Works (WWTW), and in particular Hunter Water compliance with our Environment Protection Authority (EPA) Environment Protection Licence (EPL).</p> <p>2. Hunter Water therefore conducts sampling and testing of effluent at the Facility, and this testing has shown continual non-compliance with Hunter Water's Trade Waste acceptance levels.</p> <p>3. Hunter Water has observed a correlation between tankered effluent from the Facility and a negative impact on the biological processes at receiving WWTWs, and in particular reduction of dissolved oxygen. This in turn impacts effluent quality discharged from our WWTWs with the potential to result in a breach of Hunter Water's EPL or cause an environmental incident under the POEO Act.</p> <p>4. The Proponent will need to revise the annual tankering agreement with Hunter Water as a result of the Project.</p> <p>5. Pre-treatment of the effluent tankered to Hunter Water WWTWs is not identified in the Modification Report.</p> <p>6. In order to ensure treated effluent quality received at Hunter Water's WWTWs remain within Trade Waste specification, it will be necessary for the Proponent to include upgraded pre-treatment processes as part of the Project.</p>	<p>The existing wastewater pre-treatment process was detailed in Section 3.3 of the Modification Report.</p> <p>Notwithstanding, the proposal has been amended to install a DAF unit to treat wastewater to a higher standard than the existing approved process.</p> <p>The DAF unit generates microbubbles via a recycle stream saturated with air under pressure. The microbubbles attach to suspended solids, oils, and grease which then float to the surface and are scraped off by a mechanical scraper and the sludge is directed into an integrated hopper, before being pumped out to a sludge storage tank.</p> <p>To accommodate the DAF Unit, changes to the internal layout of the treatment shed are required. Key modifications to the layout are summarised as follows:</p> <ul style="list-style-type: none"> • Removal of the existing centrifuge (to be stored, scrapped or sold); • Replacement and relocation of Tanks 8 and 9 (increased in size from 25,000L to 35,000L conical tanks) for use as Post-DAF treated water storage prior to off-site disposal; • Relocation of existing Tank 14 to the rear of the shed to continue to be used for oily water storage; • Replacement and relocation of Tank 15 (increased in size from 22,000L to 35,000L conical tank) for use as Post-DAF treated water storage prior to off-site disposal; • Replacement and relocation of Tank 16 (increased in size from 16,000L to 35,000L conical tanks) for use as Post-DAF treated water storage prior to off-site disposal; • Installation of the DAF unit, pre-reaction tank and polymer unit at the rear of the shed proximate to the existing power board. <p>The modified treatment process is as specified below:</p>	<p>Amendment Report (Mod 3) – Section 2.4 and 2.5</p>

5 Project Justification

5.1 Introduction

This Submissions Report has considered the submissions by government agencies and Council received in response to the exhibition of the Modification Application.

This report provides a response to the submissions and should be read in conjunction with the Modification Report and the Amendment Report.

Various amendments have been made to the proposed modification particularly regarding the advice received from the EPA and HWC. In summary, proposed amendments are proposed to mitigate potential for adverse stormwater pollution and to treat wastewater to a much higher standard than the existing approved process, as discussed in Section 4 of this report.

The updated justification for the proposal as per the Amendment Report is set out below.

5.2 Assessment of Potential Impacts

The environmental impact of the proposal was assessed in detail in the original EIS and the Modification Report. Notwithstanding, further assessment has been provided in Section 3.4 of the Amendment Report with reference to supplementary specialist assessments that have been undertaken in regard to the amended proposal. In summary, the Amendment Report has concluded that the proposed amendments are unlikely to result in any significant adverse impacts.

5.3 Mitigation of Impacts

The impacts of the approved development as modified can continue to be mitigated, minimised or managed as assessed in the original EIS and in accordance with the Statement of Commitments at Appendix B of the Project Approval, as proposed to be slightly amended under this Modification Application (see Section 2.9 and Section 2.10.4 of the Amendment Report) .

5.4 Consistency with Strategic Context

As detailed in Section 3.2 of the Amendment Report, the proposed amendments are consistent with relevant strategic plans/ policies.

5.5 Compliance with Statutory Context

The proposal complies with the relevant statutory planning considerations as detailed in the original EIS and the Modification Report and further assessed in Section 3.3 of the Amendment Report.

5.6 Consultation

The proponent will undertake further consultation with the EPA to align the EPA licence periods and reporting to match those within the consent and with HWC to apply for a Trade Wastewater Agreement.

5.7 Compliance Monitoring

There is not considered any change to ongoing compliance monitoring as already required by the Consent, although it is noted that the application includes a request to align reporting periods.

5.8 Impact Assessment Uncertainties and Resolution

The potential impacts of the modified proposal have been documented and the DPPI has sufficient information to be able to assess and determine the modification application.