



## Amendment Report (MOD-3)

State Significant Development (MP07\_0048-MOD-3)

Enviroking Liquid Waste Facility Project

843 John Renshaw Drive, Black Hill

File Name: 5989E 843 John Renshaw Drive, Black Hill/4 Reports/5989E.AmdtRpt  
Project Manager: K.Mackay  
Client: Enviroking Pty Ltd  
Project Number: 5989E

*Cover Photo Acknowledgment: Enviroking*

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## Abbreviations

AS	Australian Standard
BDAR	Biodiversity Development Assessment Report
Council	Cessnock City Council
DA	development application
DAF	dissolved air flotation
DCP	development control plan
DFP	DFP Planning Pty Limited
DPE	NSW Department of Planning and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure
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
EPI	environmental planning instrument
EPL	Environmental Protection Licence
GTW	grease trap waste
HWC	Hunter Water Corporation
IBC	Intermediate Bulk Container
LEP	local environmental plan
LGA	local government area
OU	odour unit
SEARs	Secretary's Environmental Assessment Requirements
SEPP	state environmental planning policy
SSD	State Significant Development
STP	sewage treatment plant
TfNSW	Transport for NSW
vph	vehicles per hour

# Executive Summary

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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) to modify development consent MP07-0048 for the Enviroking 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 formally notified between 16 May 2023 and 29 May 2023 and a number of submissions were received from NSW agencies and Cessnock City Council (Council).

A detailed response to those submissions is provided in a separate Submissions Report prepared by DFP although it is noted that, for the purposes of this Amendment Report, the submissions from the NSW Environment Protection Agency (EPA) and Hunter Water Corporation (HWC) are particularly relevant.

The EPA raised concerns relating to the existing rear storage area and suggested that this should be the enclosed to minimise the potential for wastewater entering the stormwater system.

HWC raised concerns relating to quality of wastewater that is transported by tankers from the site to HWC sewage treatment plants (STPs) for disposal and requested that the pre-treatment process on-site be upgraded.

In response to the submissions, the proponent seeks to amend the proposal by:

- Undertaking alterations to the rear of the existing building to extend the rear awning to cover the existing hardstand area and enclose the sides of this space;
- Installing bunding to the hardstand to prevent any run-off into the on-site stormwater system; and
- Undertaking internal alterations to the existing wastewater treatment shed to remove redundant equipment and storage tanks, installing a Dissolved Air Flotation (DAF) unit for additional treatment of wastewater and installing new storage tanks and chemical storage areas to accommodate the improved treatment process.

In addition, to provide for the more efficient operation of the site and rectify anomalies relating to off-site land application, the Applicant also proposes to:

- Modify the approved hours of operation to permit the plant to operate from 4am Monday to Friday instead of the approved 5am start time;
- Modify the approved time and number of collection vehicles which may operate in the early morning from 1:30am start to 12:00am (midnight) start and from 13 vehicles to 20 vehicles; and
- Modify the Statement of Commitments to state that off-site waste water farm sub-soil injection is to provide for time for waste to dewater and decay before ploughing is undertaken and remove the requirement for post land application testing, as this is unnecessary.

This Amendment Report assesses the amended proposal having regard to the matters required by the Secretary's Environmental Assessment Requirements (SEARs) for the modification application issued by DPE on 9 August 2021 and the relevant matters for consideration under the Act.

The assessment within this Amendment Report is supplementary to the assessment within the Section 4.55(2) Planning Report prepared by DFP which accompanied the Modification Application.

The amended proposal has been assessed in the supplementary specialist assessments relating to air quality and noise and has been assessed as being unlikely to result in significant adverse environmental impacts.

The amended proposal will enable more waste to be processed at the existing facility without the need for any significant change to the form of the existing building and will prevent the transport of unprocessed waste over vast distances to be processed in Sydney and elsewhere.

Accordingly, the proposal is considered to be satisfactory with regard to the statutory and general planning considerations and is worthy of approval.

# 1 Introduction

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## 1.1 Commission

DFP has been commissioned by Enviroking Pty Ltd (Enviroking or the Applicant) to prepare this Amendment Report pertaining to Modification Application MP07-0048-Mod-3 which seeks to modify development consent MP07-0048 pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

MP07-0048 (the Consent) relates to the Enviroking Liquid Waste Facility Project located at 843 John Renshaw Drive, Black Hill (the site).

The Modification Application as originally submitted sought to modify Condition 6 of Schedule 2 of the Development Consent 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 modify Condition 6(a) of Schedule 2 of the Consent to align the 12-month period to which the approved capacity relates, with the EPA licence reporting period, which ends on 23 October each year.

This Amendment Report outlines proposed amendments to the Modification Application comprising:

- alterations to the rear of the existing building to extend the rear awning to cover the existing hardstand area and enclose the sides of this space;
- installation of bunding along the northern edge of the existing hardstand to prevent any run-off into the on-site stormwater system;
- internal alterations to the existing wastewater treatment shed to remove redundant equipment and storage tanks, installation of a DAF unit for treating wastewater and installation new storage tanks and chemical storage areas to accommodate the improved treatment process;
- Revert to a 12-month reporting period being the calendar year January to December inclusive (with EPL's to be adjusted accordingly);
- modification to the approved hours of operation to permit the plant to operate from 4am Monday to Friday instead of the approved 5am start time;
- modification to the approved time and number of collection vehicles which may operate in the early morning from 1:30am start to 12:00am (midnight) start and from 13 vehicles to 20 vehicles; and
- modification to the approved Statement of Commitments to state that off-site waste water farm sub-soil injection is to provide for time for waste to dewater and decay before ploughing is undertaken and to remove the requirement for post land application testing, as this is unnecessary.

The assessment within this Amendment Report is supplementary to the assessment within the Section 4.55(2) Planning Report prepared by DFP which accompanied the Modification Application.

The amended proposal has been assessed in the supplementary specialist assessments relating to air quality and noise and has been assessed as being unlikely to result in significant adverse environmental impacts.

The amended proposal will enable more waste to be processed at the existing facility without the need for any significant change to the form of the existing building and will prevent the transport of unprocessed waste over vast distances to be processed in Sydney and elsewhere.

Accordingly, the proposal is considered to be satisfactory with regard to the statutory and general planning considerations and is worthy of approval.

## 1.2 Purpose of this Statement

The purpose of this report is to provide DPHI and relevant NSW State Government Agencies with all relevant information necessary to assess the amended proposal and to determine the Modification Application in accordance with section 4.55 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

# 1 Introduction

## 1.3 Secretary’s Environmental Assessment Requirements (SEARs)

SEARs for the Modification Application were issued by DPE on 9 August 2021 and on 20 August 2021 comments from the EPA were issued.

The Section 4.55(2) Planning Report submitted with the original Modification Application summarises the SEARs and comments from EPA and where those matters were addressed in that Planning Report and/or in the documentation submitted with the Modification Application.

**Table 1** below provides an updated summary of where the SEARs requirements are addressed in either the original Section 4.55 Planning Report and/or where details of the amended proposal can be found in this Amendment Report.

Table 1 SEARs Requirements	
SEARs	Report / Reference
<b>1. Description of the modification, including:</b> <ul style="list-style-type: none"> <li>a detailed description of the proposed modification, including the relationship with changes to existing operations and any staging of modifications to the facility and operations</li> </ul>	Amendment Report Section 2
<ul style="list-style-type: none"> <li>plans that clearly identify the existing facility (as approved) and any proposed modifications to the site layout, plant and equipment</li> </ul>	Amendment Report Section 2 Appendix A and Appendix B
<ul style="list-style-type: none"> <li>identification of conditions to be modified and proposed wording of any new or modified conditions</li> </ul>	Amendment Report Section 2
<ul style="list-style-type: none"> <li>identification of any proposed variations to other licences and approvals.</li> </ul>	Amendment Report Section 2
<b>2. Details of the existing operations on site, including:</b> <ul style="list-style-type: none"> <li>a description of existing and approved operations/facilities, including licences or statutory approvals that apply to these</li> </ul>	Section 4.55(2) Planning Report Section 3
<ul style="list-style-type: none"> <li>a summary of the existing conditions of consent that would be relevant to the proposal</li> </ul>	Amendment Report Section 2
<ul style="list-style-type: none"> <li>a summary of the existing environmental management and monitoring regime</li> </ul>	Section 4.55(2) Planning Report Section 3 and Appendix J
<ul style="list-style-type: none"> <li>detailed plans of the existing and proposed site layout and structures.</li> </ul>	Section 4.55(2) Planning Report Appendix I
<b>3. Assessment of the modification, including:</b> <ul style="list-style-type: none"> <li>a detailed assessment of the key issues specified below, and any other significant issues identified by a risk assessment, including: <ul style="list-style-type: none"> <li>i. an assessment of all potential impacts of the proposal on the existing environment and measures to avoid, minimise, mitigate and/or manage these potential impacts, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment</li> </ul> </li> </ul>	Amendment Report Section 3
<ul style="list-style-type: none"> <li>ii. an assessment of the potential impacts of all stages of the development, including any cumulative impacts of the proposal with the existing operations on site.</li> </ul>	Amendment Report Section 3
<b>4. Strategic and statutory context, including:</b> <ul style="list-style-type: none"> <li>the need and justification for the proposal having regard to its location and impacts, the suitability of the site and the public interest</li> </ul>	Amendment Report Section 3
<ul style="list-style-type: none"> <li>consideration of all relevant legislation, strategies, environmental planning instruments, including identification for any inconsistencies</li> </ul>	Amendment Report Section 3.3
<ul style="list-style-type: none"> <li>detailed justification the proposal is substantially the same development as the development to which consent was originally granted, as per s4.55(2) of the EP&amp;A Act.</li> </ul>	Amendment Report Section 3.3.1

# 1 Introduction

**Table 1 SEARs Requirements**

SEARs	Report / Reference
<p><b>5. Traffic and access, including:</b></p> <ul style="list-style-type: none"> <li>a quantitative traffic impact assessment which considers historic traffic generation from the existing operation of the facility, traffic types and volumes likely to be generated by the modified operation, impacts on road safety and impacts on the capacity of the road network</li> </ul>	Amendment Report Section 3.4.1
<ul style="list-style-type: none"> <li>consideration of whether additional vehicle parking is required on site in accordance with the relevant Australian Standards and Council's DCP</li> </ul>	
<ul style="list-style-type: none"> <li>plans demonstrating how all vehicles associated with the proposed increased throughput can be accommodated on the site while awaiting loading, unloading or servicing.</li> </ul>	
<p><b>6. Air quality, including:</b></p> <ul style="list-style-type: none"> <li>a quantitative Air Quality Impact Assessment (AQIA) of the potential air quality, dust and odour impacts of the modified development in accordance with the relevant Environment Protection Authority guidelines, including an assessment of cumulative impacts</li> </ul>	Amendment Report Section 3.4.2
<ul style="list-style-type: none"> <li>details of proposed mitigation, management and monitoring measures.</li> </ul>	
<p><b>7. Soil and water,</b> including a description of existing surface water and stormwater management systems and measures to treat, reuse or dispose of water and an assessment of any potential impacts or additional management measures required as a result of the proposed modification.</p>	Amendment Report Section 3.4.3
<p><b>8. Noise and Vibration,</b> including a quantitative assessment of potential construction, operational and transport noise and vibration impacts in accordance with relevant Environment Protection Authority guidelines and including details of any on-going monitoring regime to be implemented.</p>	Amendment Report Section 3.4.4
<p><b>9. Waste management, including:</b></p> <ul style="list-style-type: none"> <li>a description of the waste streams that would be accepted at the site including maximum daily, weekly and annual throughputs</li> </ul>	Amendment Report Section 3.4.5
<ul style="list-style-type: none"> <li>a detailed description of waste processing operations (including flow diagrams for each waste stream) including a description of any new plant or equipment to be installed, resource outputs, and the quality control measures that would be implemented</li> </ul>	Amendment Report Sections 2 and 3.4.5
<ul style="list-style-type: none"> <li>details of how waste would be stored (including the maximum daily waste storage capacity of the site) and handled on site, and transported to and from the site, including details of how the receipt of non-conforming waste would be dealt with and use/disposal of treated waste</li> </ul>	Amendment Report Sections 2 and 3.4.5
<ul style="list-style-type: none"> <li>details of the waste management strategy for construction and ongoing operational waste generated</li> </ul>	Amendment Report Sections 2 and 3.4.5
<ul style="list-style-type: none"> <li>the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste and Sustainable Materials Strategy 2041.</li> </ul>	Amendment Report Section 3.2.2
<p><b>10. Hazard and risk,</b> including a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of any dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the project is “potentially hazardous” a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011).</p>	Amendment Report Section 3.4.6
<p><b>11. Biodiversity,</b> including an assessment of biodiversity impacts in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR) or justification that a BDAR is not required as the proposal will not increase the impact on biodiversity values as per Clause 7.17(2)(c) of the Biodiversity Conservation Act 2016.</p>	Amendment Report Section 3.4.7
<p><b>12. Consultation</b> with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners, particularly NSW Environment Protection Agency (EPA).</p>	Section 4.55(2) Planning Report Section 2.7

# 1 Introduction

**Table 1 SEARs Requirements**

SEARs	Report / Reference
13. A table indicating where each element of the SEARs is addressed in the modification application.	<b>This Table</b>
EPA	Report Reference
<ul style="list-style-type: none"> <li>An adequate assessment of potential noise impacts arising from the use of the on-site treatment plant and the use of regional roads by trucks at the proposed increased capacity;</li> </ul>	<b>Amendment Report Section 3.4.1</b>
<ul style="list-style-type: none"> <li>An adequate assessment of any potential increase of odour emissions and any ameliorative measures necessary;</li> </ul>	<b>Amendment Report Section 3.4.2</b>
<ul style="list-style-type: none"> <li>A waste balance assessment to ensure the liquid waste balance of input, treatment, outputs and disposal, is managed appropriately;</li> </ul>	<b>Amendment Report Section 3.4.2</b>
<ul style="list-style-type: none"> <li>How the Proponent will maintain compliance with the development consent and Environment Protection Licence 11180 without adverse impacts on the environment;</li> </ul>	<b>Amendment Report Sections 2 and 3</b>
<ul style="list-style-type: none"> <li>Full details regarding what processes and infrastructure the Proponent has in place to manage the proposed increase in capacity;</li> </ul>	<b>Amendment Report Sections 2 and 3</b>
<ul style="list-style-type: none"> <li>Details regarding the containment and processing of water and runoff water, and what methods are in place for the protection of stormwater; and</li> </ul>	<b>Amendment Report Sections 2 and 3</b>
<ul style="list-style-type: none"> <li>Clarification on what the 'internal storage tank adjustments' may include.</li> </ul>	<b>Amendment Report Section 2</b>

## 1.4 Material Relied Upon

This Amendment Report has been prepared by DFP based on the following amended and/or supplementary information:

- Amended plans (*prepared by Advantage*);
- Rear awning plans (*prepared by Glenwood Rural Buildings*);
- Amended Noise Impact Assessment (*prepared by RWDI Australia Pty Ltd (RWDI)*);
- Amended Air Quality Impact Assessment (*prepared by RWDI*);
- Amended Chemical Storage Facilities Report (*prepared by SESL*); and
- Amended Bunding Calculations (*prepared by SESL*).

## 2 Amended Proposal

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### 2.1 Summary of Amended Proposal

The following elements of the modification proposal as originally lodged are retained:

- increase the limit on processing, treating or handling of waste to a maximum of 30,000 tonnes per annum (from 20,000 tonnes per annum as originally approved); and
- specify the Consent reporting and auditing 'year' for annual capacity as being the calendar year January to December inclusive.

This Amendment Report outlines proposed amendments to the Modification Application comprising:

- alterations to the rear of the existing building to extend the rear awning to cover the existing hardstand area and enclose the sides of this space;
- installation of bunding along the northern edge of the existing hardstand to prevent any run-off into the on-site stormwater system;
- internal alterations to the existing wastewater treatment shed to remove redundant equipment and storage tanks, install a DAF unit for treating wastewater and install new storage tanks and chemical storage areas;
- modification to the approved hours of operation to permit the plant to operate from 4am Monday to Friday instead of the approved 5am start time;
- modification to the approved time and number of collection vehicles which may operate in the early morning from 1:30am start to 12:00am (midnight) start and from 13 vehicles to 20 vehicles; and
- modification to the approved Statement of Commitments to state that off-site wastewater farm sub-soil injection is to provide for time for waste to dewater and decay before ploughing is undertaken and to remove the requirement for post land application testing, as this is unnecessary.

The following subsections provide further details of the amended proposal.

### 2.2 Alignment of Reporting Year

Condition 6 of the Consent currently limits the processing capacity of the facility to 20,000 tonnes per annum. The 'year' relates to the date of determination of MP07\_0048, commencing on 1 August and ceasing on 31 July the following year.

However, in recent years, mandatory auditing has raised issue with capacity exceedances relating to the calendar year 1 January to 31 December and the terms of the EPLs issued by EPA require the operator to audit the annual operations with the EPA 'year' ending on 23 October.

The lack of coordination between the 'year' ends in the Consent, EPA licences and auditor interpretation presents difficulties for the operator in terms of ensuring compliance with treatment limits and reporting. For a small operator the administrative burden of potentially reporting on three (3) different annual periods is considered onerous and unnecessary.

Accordingly, the modification application proposes to specify in the Consent that the reporting and auditing 'year' for annual capacity is the calendar year January to December inclusive. The applicant will then liaise with the EPA to bring EPL 11180 into alignment.

### 2.3 Waste Water Storage Capacity

As detailed in the s4.55 Planning Report, the waste facility receives and treats oily and greasy waste waters that are not otherwise treatable by public sewage treatment plants (STPs) from businesses such as motor vehicle workshops, restaurants, food halls, canteens and food processing facilities.

The volume of liquid waste has been increased in recent years as a consequence of an increase in residential population in the Hunter Region and therefore, an increase in economic activity

## 2 Amended Proposal

associated with liquid food waste, greasy waters from industry and also more “drilling mud” from the increased use of hydraulic boring for installation of services in urban and rural environments.

In addition, the closure of a waste facility at Kooragang Island in 2020 saw waste that used to be taken to that facility redirected to the Envioking Site at Black Hill or, due to the current 20,000 tonne per annum limit, being trucked to Sydney then on to Marulan for land application. This equates to a round trip of approximately 630km to dispose of waste generated in the Hunter Region.

Accordingly, the primary purpose of the modification proposal continues to be the modification of Condition 6 to increase the limit on processing, treating or handling of waste to a maximum of 30,000 tonnes per annum to accommodate some of the increased demand.

**Table 2** includes a comparison of the approved storage capacity of the various tanks against the current/proposed capacity, for which approval under this modification application is sought.

<b>Table 2 Comparison of Approved and Existing / Proposed Tank Capacity</b>			
<b>Use</b>	<b>Approved Capacity (L)</b>	<b>Existing / Proposed Capacity (L)</b>	<b>Net Difference (L)</b>
Receiving – Settlement	95,000	25,000	(70,000)
Receiving – Settlement and Primary Treatment (Lime)	-	70,000	70,000
Sludge Pit – Settlement	45,000	45,000	-
Sludge/Spare Storage	-	64,000	64,000
Water Treatment	88,000	-	(88,000)
Pre-DAF Treatment Water Storage	-	88,000	88,000
Oily Water Treatment	48,000	0	(48,000)
Pre-DAF Treatment Oily Water Storage	-	16,000	16,000
Post-DAF Water Storage	-	140,000	140,000
Water Storage	300,000	300,000	-
Vacuum Tank	15,000	-	(15,000)
Wash Out	16,000	0	(16,000)
<b>Total</b>	<b>607,000</b>	<b>748,000</b>	<b>141,000</b>

As detailed in **Table 2**, compared to the approved site layout, the existing tank arrangements provide for:

- No net change to receiving/settlement capacity although the two existing 35kL tanks will now be dosed with liquid lime;
- An increase in sludge/spare storage (in tanks) to 64kL – NB there was previously no sludge storage noted on the approved plan;
- A change from water treatment tanks to pre-DAF treatment water storage only – i.e. no in-tank treatment – NB: no change to capacity of 88kL as this is already in place as a consequence of renewal of ageing water tanks;
- A reduction in oily water storage of 32kL due to the limited demand for this type of waste and a change from oily water treatment tank to pre-DAF treatment water storage only – i.e. no in-tank treatment;
- Introduction of Post-DAF treated water storage of 140kL;
- A reduction in 15,000 vacuum storage due to the lack of use of this tank – NB: the location of this tank is occupied by a chemical storage bench; and
- A reduction in 16,000 wash out storage.

## 2 Amended Proposal

### 2.4 Amended Internal Layout

In order to respond to the issues raised by HWC, the Applicant proposes to install a DAF unit to treat waste water to a higher standard than solely using flocculants and coagulants to separate solids from the waste water.

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.

To accommodate the DAF Unit, changes to the internal layout of the treatment shed are required, are shown in **Figures 1 and 2**).

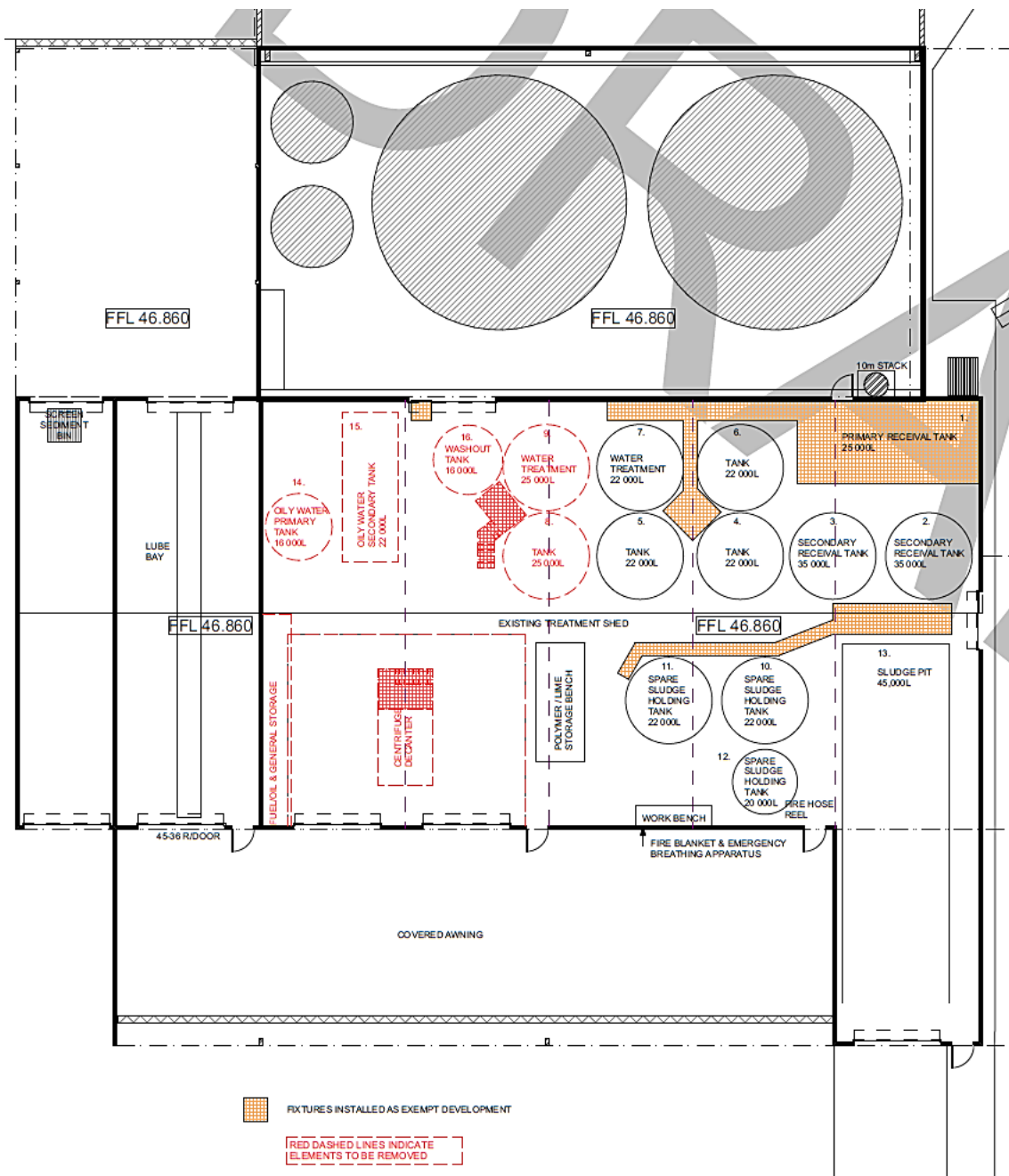


Figure 1 Plan showing removal of tanks and equipment within the existing treatment shed.

## 2 Amended Proposal

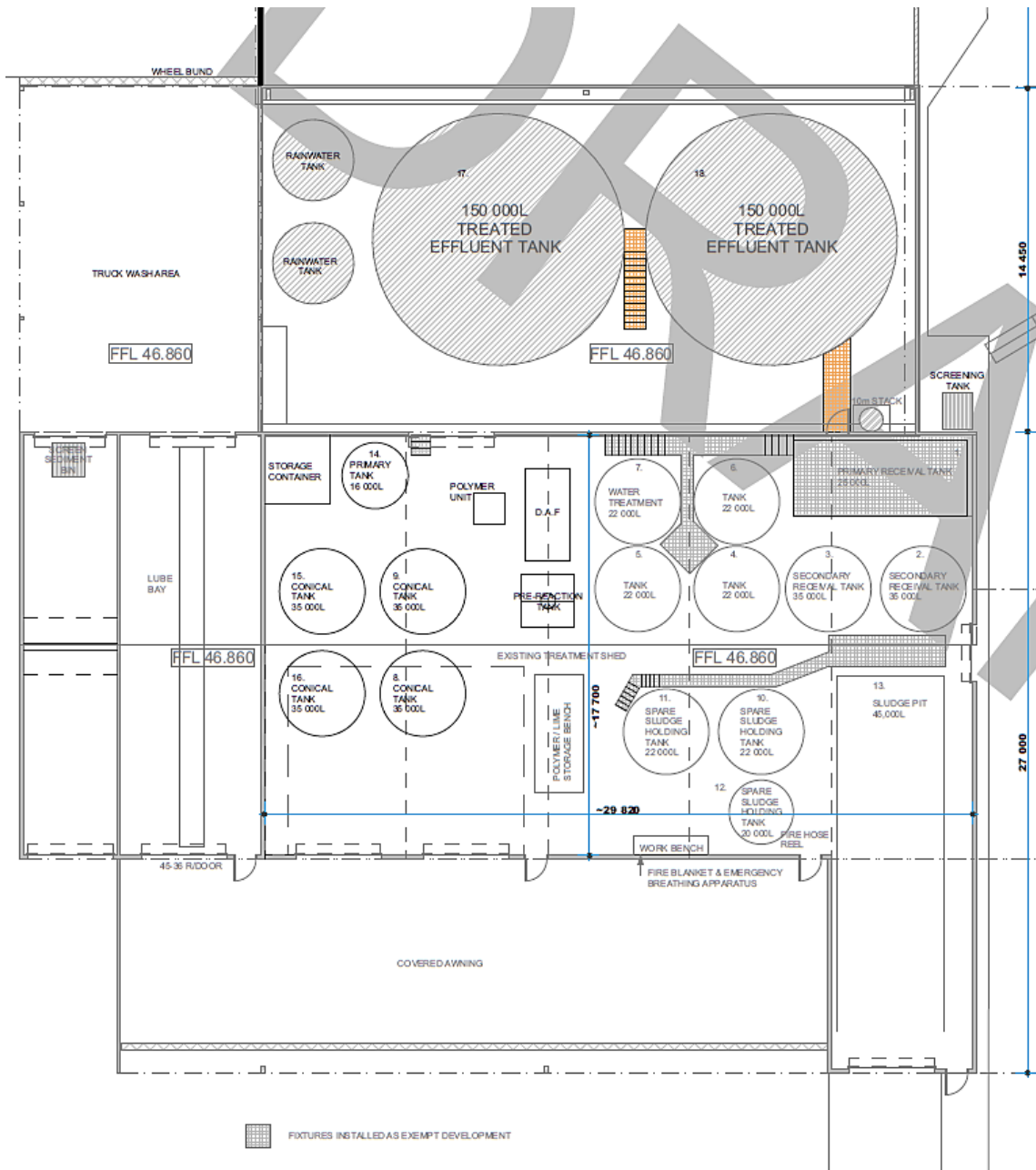


Figure 2 Amended plan of internal layout of main building showing treatment process and storage tanks

The key modifications to the layout can be summarised as follows:

- 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.

## 2 Amended Proposal

As a consequence of the changes to the internal layout and tank sizes, SESL has undertaken a review of the bunded area contained within the treatment shed.

Notwithstanding that Schedule 2 Condition 5 of the Consent requires an impervious bunded area that contains 110% of the largest container contained within the bund (with which the modified proposal complies), SESL has determined that the more appropriate calculation should be 25% of total tank storage volume, which is a larger volume than 110% of the largest tank.

The SESL calculations are provided at **Appendix F** and demonstrate that the existing bunded area is slightly less than required. However, the increase in required bund volume can be achieved by installing a standard 25mm deep plastic or rubber rollover wheel bunding, screwed and sealed to the floor across doorways and truck access rolla-doors. This is only required along the southern side of the treatment as bund heights at the rear are already significantly deeper.

### 2.5 Modified Treatment Process

The waste is collected from businesses (mainly urban areas such as Newcastle), generally during the evening and early morning (i.e. outside of business peaks) using vacuum capable vehicles (i.e. trucks fitted with a pump and reservoir tank).

These vehicles then deliver the liquid waste streams to the site. Vehicles carrying grease trap waste (GTW) park on the eastern side of the waste treatment building and decant waste via gravity feed into holding tanks, prior to treatment in the processing tanks within the building. The GTW then undergo a series of treatments as shown in **Figure 3**, which includes:

- Primary Treatment and Settlement tanks – This is the first step in the process whereby solids are separated by gravity and adding lime. The addition of lime is a requirement of ‘The treated grease trap waste order 2014’ (issued by the EPA under clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*) for the supply of treated grease trap waste for application to land as a soil amendment under ‘The treated grease trap waste exemption 2014’ (issued under clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*);
- Solid matter from the primary treatment process is added to the dewatered sludge;
- The liquids are then transferred to temporary storage tanks (balance tanks) pending treatment in the DAF unit;
- Polymers, coagulants and pH balancing agent are then combined before processing the waste water in the DAF Unit; and
- Post-DAF treated waste water is then temporarily stored in tanks within the building and sludge pumped to sludge storage.

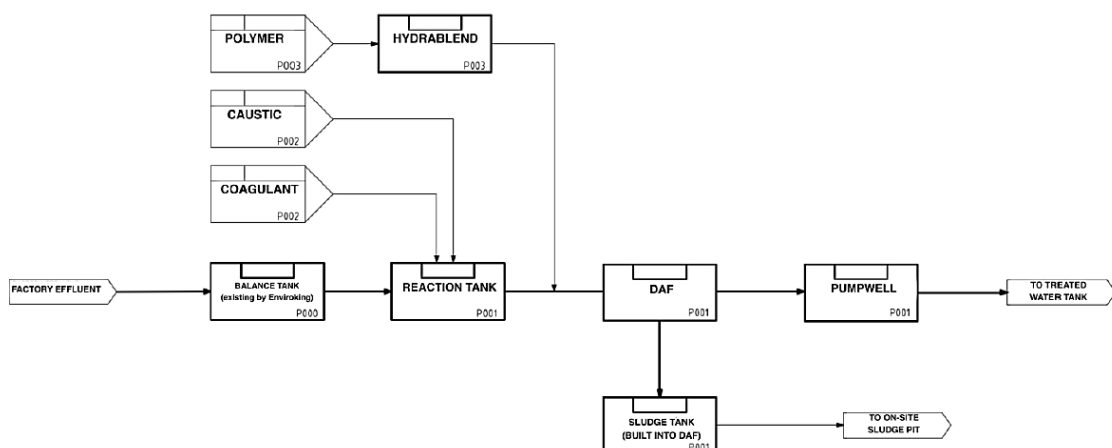


Figure 3 Proposed treatment process (Source: SESL, 2025)

## 2 Amended Proposal

The treated sludge component of the GTW is pumped into trucks for disposal off-site on agricultural land or mine rehabilitation sites under the terms of EPA Exemptions noted at Section 2.6 in the s4.55 Planning Report.

Treated water is currently disposed of at a HWC STP or at a STP.

Liquid food waste does not require treatment and can be taken directly from its point of collection to land application sites under the terms of the EPA Exemptions. Any such loads are not counted as throughput for the site as they are not handled, stored, treated, processed, reprocessed or disposed of at the site.

Even though it does not require treatment, Liquid food waste that arrives at the site is counted as throughput whether it is decanted to another vehicle and then taken off-site for agricultural land mine rehabilitation use or whether it is temporarily stored (in storage Tanks 10-12) before transfer to a truck for off-site application.

Liquid lime, drilling muds and oily waters are dewatered on sloping concrete bunded areas in the rear of the treatment shed with waters further processed as described above and solids mixed with sawdust before disposal to landfill off-site.

**Table 3** provides a description of the treatment and storage tanks and their capacity and **Figure 2** and the plans at **Appendices A and B** show the internal arrangements of the treatment building.

Table 3 Summary of Tank Usage and Capacity			
Tank #	Use	Description	Capacity (L)
1	Primary Receiving - Screening	Receiving tank where waste is received by gravity (from screen sediment bin above) and then pumped up to Tanks 2 and 3. Tank 1 is emptied and cleaned every day.	25,000
2	Secondary Receiving – Settlement and Lime Treatment	Used for settlement of sludge and water and addition of lime. Waste is left in Tanks 2-3 to separate by gravity for 24 hours then water is drawn off to Tanks 4-7 for storage prior to DAF treatment and sludge is moved to the sludge pit.	35,000
3		Notwithstanding that these tanks have been replaced since the original approval due to age and degradation, there has been no net increase in receiving storage as the originally approved scenario entailed 3x25kL tanks and 1x20kL spare tank. These tanks are fully sealed compared to the previous settlement tanks which were open to the air.	35,000
4	Pre-DAF Treatment Water Storage	Used for wastewater treatment after being drawn off from Tanks 2-3 or the Sludge Pit.	22,000
5		Water treatment is undertaken by adding flocculants and coagulants.	22,000
6		Additional sediments are drawn off to the Sludge Pit. Treated water is drawn off to tanker for off-site disposal.	22,000
7		Due to replacement/renewal of ageing tanks and the proposed amendments, there is an additional 70,000L of water treatment capacity compared to that originally approved.	22,000
PRT	Pre-Reaction Tank	Used for mixing chemicals prior to DAF treatment	Nil
DAF	Water Treatment	Used for water treatment	Nil
8	Post-DAF Water Storage	These new tanks will replace the previous water treatment tanks and will be used for Post-DAF treated water storage prior to removal off-site.	35,000 25,000
9			35,000 25,000

## 2 Amended Proposal

Table 3 Summary of Tank Usage and Capacity			
Tank #	Use	Description	Capacity (L)
10	Spare Sludge Storage	Used for temporary storage of sludge / liquid food waste prior to being drawn off to tankers for off-site disposal.	22,000
11		These tanks provide for 64,000L of sludge storage (previously zero storage) and replaced the old Primary Oily water tank, Secondary Oily water tank and Vacuum Tank.	22,000
12			20,000
13	Sludge Pit - Settlement	Used to gravity separate sludge from waters. Any waters are drawn off and sent to Tanks 4-7 for storage prior to DAF treatment. Sludge is drawn off to tankers for off-site disposal or sent to Tanks 10-12 for storage before off-site disposal.	45,000
14	Oily Water Treatment	The original tank for this purpose has been relocated to the rear of the building, closer to the oily water pit and is to be used as the only oily water tank. Sediments are to be drawn off to the sludge pit and water pumped to Tanks 4-7 for DAF treatment.	16,000
15	Post-DAF Water Storage	These new tanks will replace the previous spare oily water tank and wash out tank and will be used for Post-DAF treated water storage prior to removal off-site.	35,000
16			<del>20,000</del> 35,000 <del>16,000</del>
17	Water / Sludge Storage	Used for additional water and/or sludge storage. If sludge, testing and approval is undertaken before farm application off-site per the EPA Orders.	150,000
18	Water / Sludge Storage		150,000
<b>Total</b>			<b>748,000</b> <b>694,000</b>

Chemicals stored and used on the premises for the purposes of treating waste waters are summarised in **Table 4**.

Table 4 On-site Chemicals		
Chemical	Volume used p.a.	Volume Stored On-site
HydraClean® HC-6100 (sodium hypochlorite and sodium hydroxide)	As required for cleaning	1,000L IBC
HydraBond® HB-2602 (distillates (petroleum), hydrotreated light and Isotridecanol, ethoxylated)	750L	20L drum
HydraPrime® HP-1420 (aluminium chloride)	7,500L	20kg bags
HydraBase® HE-2130 (sodium hydroxide)	As required for pH adjustment	1,000L IBC
Hydrated lime (calcium hydroxide)	30,000kg	100 x 20kg bags

All chemicals are stored on top of a metal platform approximately 40cm above the intact concrete hardstand within the treatment building, in a bunded area.

## 2 Amended Proposal

### 2.6 Rear Awning Addition

As a consequence of concerns raised by the EPA, it is proposed to undertake alterations to the existing rear awning in order to cover the existing hardstand area and enclose the sides of this space.

This awning addition is shown on the plans at **Appendices A and B**, extracts of which are provided at **Figure 4** and **Figure 5**.

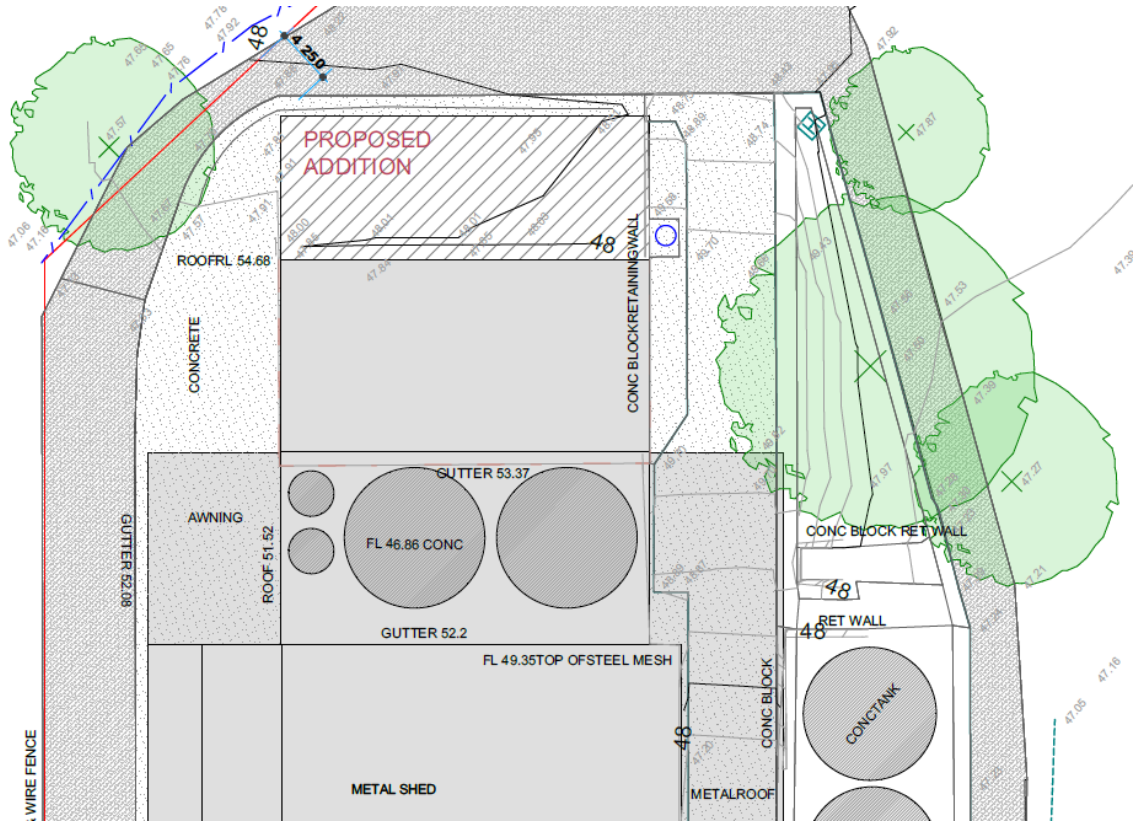


Figure 4 Extract of site plan showing location of awning addition (Source: Advantage, 2025).

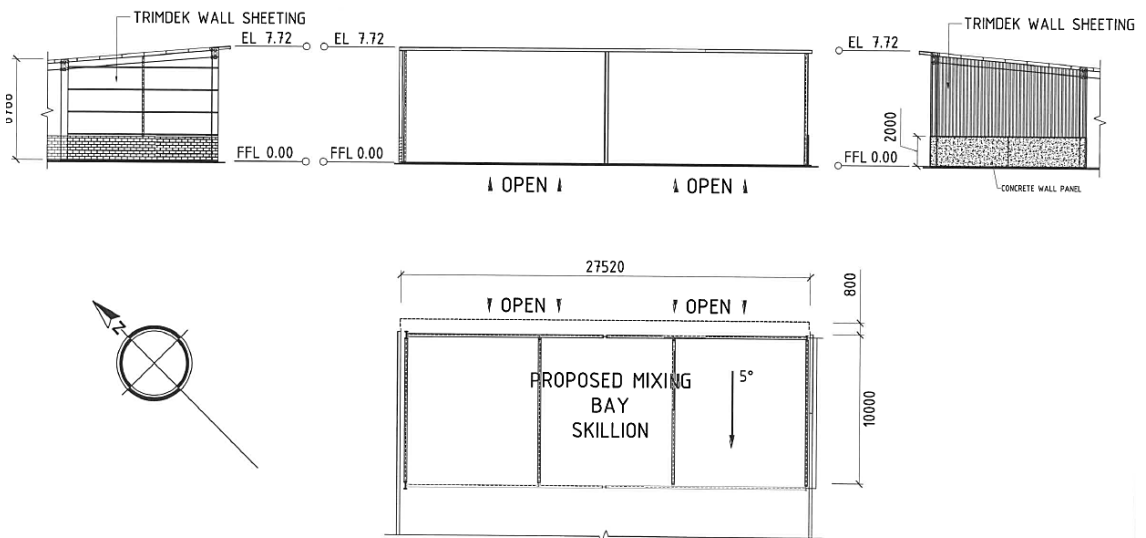


Figure 5 Extract of drawings showing awning addition (Source: Glenwood Rural Buildings, 2025).

## 2 Amended Proposal

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The addition will 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 into the on-site stormwater system.

### 2.7 Plant Operating Hours

Over recent years, it has become apparent to the operator of the facility that in order to efficiently service the demands of commercial operators in Newcastle and surrounds and ensure that processing of waste water can commence as soon as practicable upon arrival at the site, a minor change to the start time permitted to operate the internal plant is required.

Accordingly, the amended proposal also seeks to modify the approved hours of operation to permit the plant to operate from 4am Monday to Friday instead of the approved 5am start time.

### 2.8 Truck Movements

As a consequence of the significant distances required to be travelled to urban centres in the Hunter Region and the time to service grease traps before peak periods and for trucks to return to the facility before peak traffic times, the amended proposal also seeks to modify the approved time and number of collection vehicles which may operate in the early morning from 1:30am start to 12:00am (midnight) start and from 13 vehicles to 20 vehicles.

### 2.9 Statement of Commitments

The Statement of Commitments at Appendix 2 of the Project Approval includes a requirement for farmers to undertake ploughing on the same day as sub-soil injection.

However, this is not required and is counter-productive as ploughing may cause fresh wet waste to be brought to the surface and increase the risk of potential odour issues.

Accordingly, it is proposed to modify the Statement of Commitments to remove the requirement for ploughing on the same day as sub-soil injection and instead, provide two (2) weeks to allow the waste to dewater and decay before ploughing is undertaken.

In addition, the approved Statement of Commitments requires post land application “contamination” testing to ensure that soils are suitable and prevent over-application. This is unnecessary because all wastewater is tested for contaminants before application and only applied to soils if free of contaminants. In addition, soils are tested before application to ensure their suitability, testing immediately after application is not required because the soils will be tested again prior to the next proposed application. Furthermore, this is not a requirement under the EPA Resource Recovery Exemption – Treated Grease Trap Waste 2014 or the EPA Resource Recovery Exemption – Liquid Food Waste 2014.

### 2.10 Proposed Modifications to the Consent

#### 2.10.1 Schedule 2 Condition 6 - Throughput

It is proposed to modify Schedule 2 Condition 6 as shown below where changes are shown in red:

6. *The Proponent shall not:*
  - (a) *process more than ~~20,000~~ 30,000 tonnes per year in total of waste; and*
  - (b) *cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as may be expressly permitted by an EPL, for the development, or an exemption under the Protection of the Environment Operations (Waste) Regulation 2005.*

*In relation to 6(a), the year shall be the calendar year January to December inclusive.*

**Note:** *The above condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an EPL under the Protection of the Environment Operations Act 1997.*

## 2 Amended Proposal

### 2.10.2 Schedule 3 Condition 13 – Hours of Operation

It is proposed to modify Schedule 3 Condition 13 as shown in red text below:

13. *The Applicant shall comply with the construction and operation hours in Table 2, except in emergencies or as otherwise agreed with the Planning Secretary.*

Table 2: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Plant Operation	Monday – Friday	<del>5:00am</del> 4:00am to 5:00pm
	Saturday	6:00am to 12:00pm
	Sunday and Public Holidays	Nil
Collection/Delivery Vehicles	Monday – Friday	<del>4:30am</del> 12:00am to 7:00am – up to <del>13</del> 20 vehicles trips 7:00am to 6:00pm – unrestricted
	Saturday	<del>4:30am</del> 12:00am to 7:00am – up to <del>13</del> 20 vehicles trips 7:00am to 6:00pm – unrestricted
	Sunday and Public Holidays	Nil
Emergency collection vehicle access	Monday - Sunday	24 hours per day

Note:

- Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any premises beyond the boundary of the site.
- A 'vehicle trip' includes both inbound and outbound movements.

### 2.10.3 Modification to Plans at Appendix 1

In addition to the modifications to conditions of consent as specified above, it is proposed to replace the plans at Appendix 1 to the Consent with the modified plans prepared by Advantage and Glenwood Rural Buildings which accompany this Amendment Report (see **Appendices A and B**).

These modified plans depict the changes to the internal layout arrangements of the treatment shed and the proposed awning addition over the existing hardstand at the rear.

### 2.10.4 Modification to Statement of Commitments at Appendix 2

It is proposed to modify the Statement of Commitments to reflect the unnecessary step of ploughing after sub-soil injection as follows:

<i>Farming practice</i>	<i>Use of suitable crops</i>	<i>Enviroking will work with farmers to ensure suitable crops which are responsive to fertilisers</i>
	<i>Application methods</i>	<i>Enviroking will use sub-soil injection to apply liquid wastes and will not disturb ground by ploughing until after a suitable interval to allow dewatering and decay, not less than 2 weeks after injection <del>arrange for the farmer to undertake ploughing on the same day</del></i>

It is also proposed to modify the Statement of Commitments to reflect the unnecessary step of post land-application testing as follows:

<i>Suitability of farms and soils</i>	<i>Soil testing</i>	<i>Enviroking will undertake pre-<del>and post-</del> application agronomic testing to ensure soils are suitable and to prevent overapplication</i>
	<i>Contamination</i>	<i>Enviroking will undertake pre-<del>and post-</del> application contamination testing to ensure soils are suitable and to prevent over-application</i>

# 3 Updated Environmental Planning Assessment

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## 3.1 Updated Project Justification

The existing facility provides an essential service not provided by public utilities and due to closures of other such facilities, the proposed modifications will enable waste from the Hunter Region to be processed, treated and handled at the site instead of requiring transport of that waste over long distances to Sydney and other areas, at considerable transport and other environmental cost.

The existing facility is capable of handling the additional waste with only minor internal layout adjustments to accommodate the installation of new equipment to improve the quality of wastewater before off-site disposal and also minor external alterations to provide further weather protection for existing outdoor activities.

In addition, the minor adjustment to vehicles capable of servicing the site in the nighttime period and minor modification to plant operating hours will enable a more efficient operation without any adverse amenity impacts.

The changes to the approved Statement of Commitments are minor and will bring the proposal into alignment with accepted industry practice and the EPA Resource Recovery Exemptions.

It is considered that the proposed modifications to the facility will have minimal traffic, safety, odour or noise impacts.

## 3.2 Strategic Context

### 3.2.1 The Hunter Regional Plan 2041

The Hunter Regional Plan 2041 applies to land comprising the site. The plan contains principles relating to the circular economy and Strategy 1.5 states that local strategic planning should consider existing waste management centres and ensure sensitive land uses do not encroach on these areas or limit their future expansion.

The proposed modification will enable the existing facility, located remote from denser urban settings, to provide additional services to urban centres and to assist to reduce long distance transport of waste and therefore is considered to be consistent with the overall objectives of the Hunter Regional Plan.

### 3.2.2 The NSW Waste and Sustainable Materials Strategy 2041

The NSW Waste and Sustainable Materials Strategy 2041 (NSW DPIE, 2021) sets targets for reducing waste, increasing recovery and recycling rates, phase out problematic and unnecessary plastics and to reduce organic waste sent to landfill.

The proposed modifications will support these targets by enabling the approved facility to process additional liquid waste for safe reuse or disposal off-site and assisting to reduce long distance haulage of waste and thus reduce consequential environmental impacts.

## 3.3 Statutory Context

### 3.3.1 Section 4.55 of the Act

Section 4.55 of the EP&A Act contains the provisions that must be considered by a consent authority in determining an application to modify a Notice of Determination. In this regard, the relevant section is s4.55(2) of the EP&A Act.

Section 4.55(2) of the Act applies to modifications where, notwithstanding that the amendments proposed are minor in nature, the modifications require further environmental assessment. Specifically, section 4.55(2) provides that:

*“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”*

## 3 Updated Environmental Planning Assessment

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### **Substantially the Same Development (section 4.55(2)(a))**

- (a) *it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*

The proposal does not seek to alter the approved land use and the physical modifications are generally limited to internal layout of wastewater treatment equipment and introduction of the DAF unit to improve treated wastewater quality before disposal off-site.

The enclosure of the existing open hardstand at the rear does not expand the footprint of the built-upon areas of the site and is required to satisfy EPA comments and reduce the potential for stormwater run-off from the operational yards.

Furthermore, the proposed modification to the approved hours of operation and additional nighttime vehicle movements is minor and has been assessed has not resulting in adverse amenity impacts. It is noted that these modifications are not required to accommodate the additional throughput and merely to enable the more efficient operation of the facility as already approved.

The increase in processing capacity can be managed with only minor adjustments to the internal arrangements and replacement of some tanks with no change to the building footprint.

Accordingly, the development as proposed to be modified is considered to be substantially the same development as the development for which the consent was originally granted.

### **Consultation with relevant Minister/s, Authorities or Approval Agencies (section 4.55(2)(b))**

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,*

The conditions to be modified were not conditions imposed as a consequence of any concurrence or general terms of approval as the application was originally approved under Part 3A.

Notwithstanding, the EPA and HWC have provided comment on the proposal and this Amendment Report describes the amendments to the proposal to address the concerns of those authorities as detailed in the separate Submissions Report.

### **Notification (section 4.55(2)(c))**

- (c) *It has notified the application in accordance with:*
- (i) *The regulations, if the regulations so require, or*
  - (ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modifications of a development consent”.*

The amended modification application may be notified by the DPHI.

### **Consideration of Submissions (section 4.55(2)(d))**

- (d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be”.*

Should DPHI notify the amended application in accordance with section 4.55(2)(c), it must consider any submissions made during a notification period.

Subsections (1) and (1A) of section 4.55 do not apply to the proposed modification.

Subsection (3) is addressed in **Section 3.4** of this submission.

## 3 Updated Environmental Planning Assessment

### 3.3.2 Environmental Planning and Assessment Regulation 2021

In accordance with Section 99 of the Regulation, this application was made in the form approved by the Planning Secretary via the NSW Planning Portal and was accompanied by all necessary information and documents required by the EP&A Act and Regulation.

The amended application will also be submitted via the NSW Planning Portal.

Sections 100(2) and 100(3) do not apply to the proposed modification.

### 3.3.3 Reasons for the Grant of the Consent

We are not aware of any specific reasons for the granting of consent however, the Consent states that the reason for imposition of conditions is:

*These conditions are required to:*

- *prevent, minimise, and/or offset adverse environmental impacts;*
- *set standards and performance measures for acceptable environmental performance;*
- *require regular monitoring and reporting; and*
- *provide for the ongoing environmental management of the project.*

As indicated in this submission, the proposed modifications will have minimal environmental impacts and do not seek to alter the conditions of consent in a manner that would diminish or in any way weaken the environmental performance of the facility. Indeed, the proposed modifications will result in superior environmental outcomes by providing for new equipment to better manage wastewater and the enclosure of existing open hardstand to minimise potential for adverse run-off.

The proposed changes to the specify the reporting timeframes will not diminish the operator's responsibilities with respect to monitoring and reporting.

Further, the minor changes to the approved mitigation measures will address unnecessary post land-application soil testing, bring the proposal into alignment with accepted industry practice and EPA Resource Recovery Exemptions.

Accordingly, the proposed modifications do not in any way alter the purpose of or outcomes achieved by the conditions of the Consent as originally imposed.

### 3.3.4 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 of SEPP PS relates to State and Regional Development and identifies the determining authority and planning pathway for different types of development.

Pursuant to section 23(6) of Schedule 1 of SEPP PS, the existing facility is considered to be State Significant Development (SSD) as it treats more than 10,000 tonnes of liquid food or GTW per year.

- (6) *Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and—*
- (a) *handles more than 10,000 tonnes per year of liquid food or grease trap waste, or*
  - (b) *handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.*

The proposal remains an application to modify a Development Consent that has been declared to be SSD by virtue of the notice in Government Gazette No. 166.

Therefore, the Minister (or delegate) remains the determining authority.

### 3.3.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Sections 2.122(1) and (2) of SEPP TI relates to traffic generating development and state the following:

- 2.122 *Traffic-generating development*
- (1) *This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—*
- (a) *new premises of the relevant size or capacity, or*

## 3 Updated Environmental Planning Assessment

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- (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this section, relevant size or capacity means—*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Waste or resource management facilities of any size or capacity are included in the Table to Schedule 3 of SEPP TI.

As indicated in the s4.55 Planning Report, the proposed additional 10,000 tonnes per annum of waste is intended to be received during the daytime operation - i.e. between 7am and 6pm Monday to Saturday – and there is currently no restriction on the number of truck movements occurring during these times.

The additional traffic resulting from the further 10,000 tonnes has been assessed as having the potential to generate 13 additional trips (above that already occurring) across the daytime period representing an average of 1 truck movement per hour on John Renshaw Drive.

The amended proposal also entails increasing the number of nighttime trips between 12:00am and 7am from 13 trips to 20 trips to accommodate earlier start times for drivers leaving the site and the longer distances they are required to travel to access urban centres before morning peak traffic and pedestrian activity.

It is noted that the modification application was referred to Transport for NSW (TfNSW) pursuant to the provisions of section 2.112(4) of SEPP TI and that TfNSW raised no objection to or requirements for the proposed development as TfNSW considered there will be no significant impact on the nearby classified (State) road network.

The proposal as amended is not considered to alter this conclusion and given the minor change to vehicle numbers the Traffic Impact Assessment which accompanied the modification application has not been updated (see also **Section 3.4.1** of this report).

### 3.3.6 State Environmental Planning Policy (Resilience and Hazards) 2021

As stated in the s4.55 Planning Report, prior to determination of the existing facility an assessment of whether it could be considered to be a potentially offensive industry was made and it was concluded that subject to implementation of the recommended mitigation measures, the project would not result in significant adverse impacts on the locality.

Furthermore, the modification application was referred to DPE Hazards team which noted that this modification and the entire development is not considered as potentially hazardous.

Notwithstanding, due to changes to the internal layout proposed herein, an amended assessment of the chemicals stored and used on-site has been undertaken by SESL to demonstrate that the types, quantities and storage of chemicals on-site have not changed (see also **Section 3.4.6**).

### 3.3.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Site is not mapped as having biodiversity value (under the Biodiversity Values Mapping prepared by DPE) nor is it mapped under the Terrestrial Biodiversity map accompanying *Cessnock Local Environmental Plan 2011* (the LEP).

The modifications will not result in the removal of any trees or any change to the footprint of existing buildings/hardstand.

## 3 Updated Environmental Planning Assessment

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Accordingly, a Biodiversity Development Assessment Report (BDAR) is not required as the proposal will not increase the impact on biodiversity values as per Clause 7.17(2)(c) of the *Biodiversity Conservation Act 2016*.

### 3.3.8 Cessnock Local Environmental Plan 2011

#### Clauses 2.2-2.3 – Zoning and Permissibility

Pursuant to clause 2.2 of the LEP and the land use zoning map accompanying the LEP, the entire Site is zoned RU2 Rural Landscape (as is all surrounding land).

Clause 2.3 sets out the objectives of this zone as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*
- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*
- *To maintain and enhance the scenic character of the land.*
- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*
- *To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.*
- *To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.*
- *To ensure development does not intrude into the skyline when viewed from a road or other public place.*

The amended proposal is not inconsistent with these objectives as it does not involve any change to vegetation and whilst there is a minor awning addition, this is over an existing hardstand area and required to meet the requirements of the EPA.

The following is an extract of the zoning table for the RU2 Zone (underline emphasis added):

#### **2 Permitted without consent**

*Extensive agriculture; Home occupations; Horticulture*

#### **3 Permitted with consent**

*Agriculture; Airports; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Camping grounds; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helpads; Home-based child care; Home businesses; Home industries; Information and education facilities; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; School-based child care; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Waste or resource management facilities; Water supply systems.*

#### **4 Prohibited**

*Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3.*

Whilst the use of the site is already approved and this modification application benefits from that consent, the proposal would now fall within the definition of a waste or resource management facility which is permissible with consent in the RU2 Zone.

No other provisions of the LEP are considered relevant to the proposed modification as there are no building height limit or floor space ratio development standards and the proposal does not require any additional or augmented essential services or infrastructure.

# 3 Updated Environmental Planning Assessment

## 3.3.9 Cessnock Development Control Plan 2010

Cessnock Development Control Plan 2010 (the DCP) applies to the Site although pursuant to section 11 of SEPP PS, DCPs (whether made before or after the commencement of the SEPP) do not apply to SSD.

Notwithstanding, there are no provisions of the DCP that are directly relevant to the proposed modification.

## 3.4 Environmental Planning Assessment

### 3.4.1 Traffic Impacts

The Traffic Impact Assessment prepared by TPK & Associates (TPK) in July 2008 that accompanied the original Part 3A Project Application projected a daily trip generation of 46 two-way vehicle movements, including 26 associated with trucks and 9 peak truck trips (for 20,000 tonnes per annum).

The bulk of additional truck movements required to cater for the increased throughput would occur during the daytime period - i.e. between 7am and 6pm. Pursuant to Table 2 of Condition 13 of the Consent (as amended by MOD 2), there is no restriction on the number of truck movements during the daytime period. An extract of Table 2 is provided in **Figure 6**.

Table 2: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday - Friday	7:00 am to 6:00 pm
	Saturday	8:00 am to 1:00 pm
	Sunday and Public Holidays	Nil
Plant Operation	Monday - Friday	5:00 am to 5:00 pm
	Saturday	6:00am to 12:00 pm
	Sunday and Public Holidays	Nil
Collection/Delivery Vehicles	Monday - Friday	1:30 am to 7:00 am – 13 vehicle trips; 7:00 am to 6:00 pm - unrestricted
	Saturday	1:30 am to 7:00 am – 13 vehicle trips; 7:00 am to 6:00 pm - unrestricted
	Sunday and Public Holidays	Nil
Emergency collection vehicle access	Monday – Sunday	24 hours per day

Note:

1. Construction activities may be conducted outside the hours in Table 1 provided that the activities are audible at any premises beyond the boundary of the site.
2. A 'vehicle trip' includes both inbound and outbound movements.

Figure 6 Extract from Table 2 of Condition 13 of the Consent as modified by MOD 2

It is anticipated that the additional traffic resulting from the further 10,000 tonnes of waste being processed at the facility will generate a maximum of 13 additional trips across the daytime period. The additional truck movements represent an average of 1 truck movement per hour on John Renshaw Drive between 7am and 6pm.

An assessment of the impacts of the additional truck movements undertaken by Genesis Traffic was submitted with the modification application which concluded that adding 1vph to the road network will not downgrade John Renshaw Drive's level of service and the proposed modification to increase the volume of material processed at the facility by 50% will not have an adverse effect on existing road operation/performance.

As the amended proposal does not change the existing on-site car parking or access arrangements, there is no change to the conclusions of the Genesis Traffic assessment that vehicular manoeuvring on site and on-site car parking availability is satisfactory.

## 3 Updated Environmental Planning Assessment

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Whilst the MOD 3 application as originally lodged indicated that there was no proposed increase to truck movements prior to 7am, since lodgement, the operator has found that the travel times for vehicles servicing urban centres in the Hunter Region is increasing.

In order to service some centres before peak pedestrian activity and to avoid peak traffic times, it is now proposed to increase the number of truck movements occurring in the early hours of the morning – i.e. between 12:00am to 7am - from 13 vehicle trips to 20 vehicle trips. This also equates to one additional trip per hour which is insignificant in the context of the regional road network that services the site based on the daytime assessment undertaken by Genesis Traffic referred to above.

### 3.4.2 Air Quality

#### Odour

The proposed modification as originally lodged was accompanied by an Air Quality Impact Assessment prepared by RWDI which concluded that the proposal was acceptable.

As a consequence of the amended proposal involving change to plant and equipment and enclosing of the existing open hardstand at the rear, RWDI has updated their assessment (see **Appendix D**) and concluded that impacts on sensitive receivers in the surrounding area beyond the site are not likely to be significant, public health or amenity will not be compromised and the predicted air quality impacts are not likely to exceed air quality and odour criteria set out by NSW EPA.

#### Airborne Particulates (Dust)

RWDI also assessed the modification application as originally lodged with respect to dust impacts, the main source of which is vehicles, mainly road tankers crossing the unsealed section of the access road to the site off John Renshaw Drive.

The amended proposal does not increase the overall throughput previously assessed and hence, there is no additional traffic from the proposal which would give rise to additional dust impacts and hence the revised Air Quality Impact Assessment prepared by RWDI which accompanies this Amendment Report (see **Appendix D**) concludes that *potential dust impacts associated with the increase in operating hours will result in negligible impact*.

The existing dust suppression measure of a water tanker spraying the access driveway on an as needs basis will continue and no change is proposed to the existing conditions of approval requiring the “*Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project*”.

### 3.4.3 Soil and Water

The proposed amendments described in this report do not require any changes to the existing stormwater management system because all waste is and will continue to be treated within the building and no untreated waste or effluent is or will be stored outside the treatment building.

Indeed the amended proposal now includes covering and partial enclosure of the rear sorting yard with new bunded concrete hardstand to ensure that rainwater does not enter this space and cause run-off into the localised on-site stormwater system.

Accordingly, the assessment in respect of soil and water contained within the Section 4.55 Planning Report remains valid and the existing conditions of approval are considered sufficient to ensure the risk of untreated waste entering waterways is low.

### 3.4.4 Noise and Vibration

The proposed modification as originally lodged was accompanied by an Noise Impact Assessment prepared by RWDI. That assessment considered the potential noise impacts associated with an increase to the annual throughput of waste from 20,000 to 30,000 tonnes per annum and concluded that the proposal was acceptable.

As a consequence of the amended proposal involving change to plant operating hours (i.e. 4am start M-F instead of 5am) and a small increase in truck movements in the nighttime period, RWDI has updated their assessment (see **Appendix C**).

## 3 Updated Environmental Planning Assessment

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The revised assessment addresses the EPA noise requirements as set in the attachment to the SEARs and in accordance with the NSW Noise Policy for Industry 2017 and NSW Road Noise Policy and concludes that compared to the previous assessment undertaken in 2022, predicted noise levels are expected to be slightly higher.

Notwithstanding, the predicted noise levels comply with all relevant criteria and no adverse impact on surrounding residential receivers is expected.

### 3.4.5 Waste Management

A detailed description of the amended treatment process is provided in **Section 2.5** of this report.

The proposed changes to the treatment process include the installation of a DAF unit which will enable a much higher level of treatment compared to the approved, existing process.

The details of throughput and storage capacity were assessed in the s4.55 Planning Report and that assessment remains valid although it is noted that the quantum of storage is slightly increased from the original proposal.

Accordingly, in the event that facility is not able to dispose of waste within 24-36 hours of receipt due to, for instance, wet weather preventing land application, there will be capacity for approximately 9.85 days' of storage if 70,000L is received per day or 6.57 days' of storage if up to 104,000L were received per day (i.e. the maximum daily throughput capacity based on 30,000 tonnes per annum). This complies with the current Project Approval commitment to provide for at least 5 days storage after which waste is required to be disposed of at a STP.

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.

### 3.4.6 Hazard and Risk

As a consequence of the amended treatment process, SESL Australia has updated its assessment (see **Appendix E**) in relation to chemical storage required in order to vary EPL 11180 held by Enviroking.

The proposed chemicals and storage are summarised in **Table 4** of this report and the assessment by SESL is that all chemicals will be stored indoors inside the bunded area of the treatment plant in accordance with the guidance outlined in the following documents:

- Safe Work Australia 'Storing Hazardous Chemicals';
- The associated chemical Material Safety Data Sheets;
- Australian Standard AS/NZS 3833:2007 The Storage and Handling of Mixed Classes of Dangerous Goods, in Packages and Intermediate Bulk Containers.

### 3.4.7 Biodiversity

The Site is not identified on the Biodiversity Values Mapping prepared by DPPI, nor is it mapped under the Terrestrial Biodiversity map accompanying the LEP.

The amended proposal, whilst now include internal layout changes and minor external building alterations, will not result in any change to the overall building footprint and will not result in the removal of any trees or other vegetation.

Accordingly, it is considered that the potential for the proposed modification to have impacts on biodiversity values continues to be negligible.

## 3 Updated Environmental Planning Assessment

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### 3.4.8 Bushfire

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.

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.

## 4 Conclusion

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This Amendment Report has been prepared in support of the Modification Application under section 4.55(2) of the EP&A Act to modify development consent MP07-0048, for the Enviroking Liquid Waste Facility Project which is located at 843 John Renshaw Drive, Black Hill (the Site).

The amended proposal 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 clarify that the 12-month period to which the approved capacity relates is the calendar year being January to December inclusive.

This Amendment Report also outlines proposed internal modifications to respond to comments of HWC by installing new wastewater treatment equipment and consequential changes to storage tanks, to improve wastewater quality prior to disposal off-site.

In addition, this amendment report describes minor external alterations to respond to EPA comments by enclosing an existing hardstand area, to minimise the potential for adverse run-off.

Lastly, in order to more efficiently cater for the commercial demands of businesses in urban centres within the Hunter region, this amendment reports describes minor changes to the approved number of vehicles operating from the site in the nighttime period, a minor change to the operating hours of the internal plant and a change to the timing for off-site farm application ploughing.

The proposed modifications, including the amendments described in this report, have been assessed as being substantially the same as the development for which consent was originally granted as it will remain a waste management facility with no change to the overall building footprint and only changes to hours of operation and number of vehicles accessing the site in the nighttime period.

In addition, the proposed modifications have been assessed as unlikely to result in any significant adverse environmental impacts.

Accordingly, the proposal is considered to satisfy the requirements to enable these modifications to be approved by DPHI pursuant to Section 4.55(2) of the EP&A Act.