

Department of Planning
Major Development Assessment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 25504
Your Ref: 07_0048

ATTENTION: ANDREW HARTCHER

Dear Mr Hartcher

**SUBMISSION - PART 3A APPLICATION - ENVIROKING WASTE FACILITY PROJECT
LOT 931 DP 816814 NO. 843 JOHN RENSHAW DRIVE BLACKHILL**

Thank you for the opportunity to comment on the Part 3A Application for the Orica ANE facility during the public exhibition period.

In summary, Council does not support the proposed waste treatment facility to increase the treatment of waste from 5,000 tonnes to 20,000 tonnes per annum.

The following comments are provided in relation to the exhibition of the Environmental Assessment (EA) for the subject development: -

Waste Disposal

The increase in the quantity of waste to be treated from 5,000 tonnes to 20,000 tonnes is a significant increase. Of concern is that the EA states that the treated waste will be disposed of on adjoining and nearby mine rehabilitation and agricultural land. The majority of this land is located in the Cessnock Local Government Area (LGA). Does this mean that all treated waste will be disposed of in the Cessnock LGA? This is a significant amount of treated waste that is to be disposed of in the Cessnock LGA and has the potential to generate a substantial increase in odour complaints to Council. Council is concerned with the amount of treated waste to be disposed of in the LGA and the potential for increased complaints in relation to odour created from the land fill, irrigation and injection of the waste. These odour complaints will be dealt with by Council and not the Department of Planning as the disposal will not be on Enviroking land. This increase in complaints has the potential to put strain on the limited resources of this Council. Disposal of the treated waste by land fill or irrigation or injection should not be granted exemption. Council's preferred option is that all treated waste be disposed of at a licensed landfill site (eg Cessnock tip) or at a Hunter Water Corporation facility.

In addition, how can Council, other Hunter and Central Coast Council's, the Department of Planning and the Department of Environment, Climate Change and Water be ensured that this treated waste is only going to be disposed of in this LGA or at an approved Hunter Water Corporation facility (which the EA indicates will more than likely not be utilised due to cost)?

Increased responsibility needs to be placed on Enviroking rather than the landowner when disposing of the material on adjoining land by landfill, irrigation or injection. However, if the Department of Planning deems that the application is to be approved, Council would like a condition placed on the approval requiring that Enviroking provide Council with copies of a site plan indicating the location of the watercourses/waterbodies, dwellings, roads, landfill, ground irrigation or injection as well as the date disposed of, the quantity of waste disposed of and agronomic soil (pre and post disposal) and waste analysis for all landfill, irrigation and injection sites, for Council's records. This will enable Council to have more informed information in relation to landfill, ground injection and ground irrigation application undertaken by Enviroking, when dealing with any complaints in relation to odour.

Legislation Changes

Some of the documentation provided in the EA is dated from 2007. Legislation relevant to the application was changed in 2008 (Food Waste Exemption 2008, The Grease Trap Waste Exemption 2008 and The Effluent Exemption 2008). The EA should be amended to reflect these changes.

Adjoining Subdivision

Council approved a two (2) lot rural subdivision and boundary adjustment (DA8/2005/1179/1) on Lot 3 DP 237431 and Lot 211 DP 833717 No. 76 B1 Private Road and No. 44 Blackhill Road Blackhill on 2 July 2007. This consent will lapse on 2 July 2012. It is my understanding that the applicant will be lodging a subdivision certificate in the next few weeks. A copy of the consent and approved plans are provided for your information.

This approval has not been taken into consideration in the EA. A potential new dwelling could be approximately 450m from the Enviroking water treatment plan.

Access

The Roads and Traffic Authority (RTA) are currently upgrading John Renshaw Drive and are providing a protected right hand turn at the intersection of John Renshaw Drive and the entrance to the subject site. The RTA also request that all vehicular access to/from the site shall be provided via the existing access on John Renshaw Drive.

Recommended Conditions

If the application is to be approved, it is recommended that the following conditions be imposed on the approval: -

- All waste to be disposed of to an approved waste facility not by land application (fill, irrigation or injection) on agricultural or other lands.
- The waste facility, including deliveries, shall operation during the following hours: -
 - 7.00am to 5.00pm Monday to Friday
 - 7.00am to 12.00 Noon Saturday
- The applicant is to apply for and have issued the relevant licences required from the Department of Environment, Climate Change and Water.

- The proposed development shall be carried out strictly in accordance with the details set out in the environmental assessment for the proposed waste treatment facility of Envioking, John Renshaw Drive Blackhill, NSW, dated December 2009, Project No: 5989, by Don Fox Planning Consultants, or as amended by any conditions of approval.
- The environmental management plan is to be amended to address the whole process, collection, transportation, treatment on-site, disposal on-site, off-site including Hunter Water Corporation and land applications and should include the estimated annual amounts, site specific samples and results for on-site and off-site disposal, site management plan, odour management – on-site and off-site.
- The RTA also request that all vehicular access to/from the site shall be provided via the existing access on John Renshaw Drive.
- Envioking is to submit to Council copies of a site plan indicating the location of the watercourses/waterbodies, dwellings, roads, landfill, ground irrigation or injection as well as the date disposed of, the quantity of waste disposed of and agronomic soil (pre and post disposal) and waste analysis, for all landfill, ground irrigation and ground injection applications on all land other than Lot 931 DP 816814 No. 843 John Renshaw Drive Blackhill, for its records.

Should you have any further enquiries please contact Tracy Sharp of Council's City Planning Department between 9:00am and 5:00pm, Monday to Friday on (02) 4993 4126 or via tracy.sharp@cessnock.nsw.gov.au

Yours faithfully



TS SHARP
SENIOR PLANNING ASSESSMENT OFFICER

16 February 2010

