



4 March 2010  
Our Ref: 5989 22RG

The Manager  
Major Development Assessment  
NSW Department of Planning

By email: [andrew.hartcher@planning.nsw.gov.au](mailto:andrew.hartcher@planning.nsw.gov.au)

Attention: **Andrew Hartcher**

Dear Sir

**Enviroking Waste Facility: Project 07\_0048  
Response to Submissions**

As requested, we are pleased to provide the following Submission Report pursuant to exhibition of the Environmental Assessment for the Enviroking Waste Facility. This response has been made with the assistance of Sydney Environmental & Soil Laboratory Pty.

**DECCW (EPA)**

DECCW has indicated that it supports the proposal but seeks to impose one condition which we consider incorrect.

**Limitations of approval**

DECCW appears to suggest under Condition 2 that only liquid grease trap waste and liquid food waste may be received at the premises. The licence has always permitted oily water wastes as well and this change severely restricts Enviroking's commercial activity. The condition should include oily waters with reference to the aggregate of grease trap, food and oily waters being restricted to 20,000tpa.

**Licence variation**

We assume the licence variation referred to by DECCW in the last section of its letter is only related to the increased capacity and ask that you confirm this with DECCW.

**RTA**

The RTA has not objected to the proposal and the suggested condition requiring all access to be via the existing access road is acceptable.

**CESSNOCK CITY COUNCIL**

Council has objected to the proposal on several grounds. We consider that the Environmental Assessment adequately dealt with the relevant matters, but we provide the following response to Council's comments.

The proponent is aware that the activity of land application reuse of effluent water, treated grease trap waste and food waste is exempted from a requirement to hold a waste facility license under the POEO Act. The proponent will deal with the exemption process for reuse of the treated effluent separately from this application, which only deals with the expansion of the treatment facility.

The proponent believes a requirement to take such treated wastes to a licensed facility is a much worse environmental outcome than reusing the organic matter, nutrients and water they contain in



land rehabilitation and agriculture. Such reuse now represents the major if not only way these wastes are now recycled in NSW. Cessnock Council stands alone from all other councils in its rejection of water and nutrient recycling.

The condition requested by Council, disallowing the proponent to use lawful means to reuse waste and access the exemption process under the POEO Act is discriminatory and is opposed.

The request to be provided with records is also unnecessary. Under the exemption process an exemption is issued with conditions requiring the collection of and maintenance of records by the proponent. Should odour or other problems occur these records will become available to the public regulatory authorities under the normal powers held by these authorities so any such condition requiring prior submission of records is unnecessary.

An exemption does not exempt the waste re-user from complying with other sections of the POEO Act relating to odour and pollution of waters. Council is incorrect in its assessment that it will be the sole respondent in the event of odour and pollution occurring. The NSW DECCW compliance and regulatory officers will be the first line of protection for the community and the environment. The proponent is fully appreciative of the need to conduct its business without affecting neighbours and causing nuisance. It is also fully aware of the regulatory powers of the DECCW to prevent operations in a manner that causes such nuisance. The exemptions are not confined to the Cessnock LGA and the use of agricultural or mining rehabilitation land will not necessarily be confined to Cessnock LGA.

In relation to reuse of the wastes on mine sites the proponent submits that this represents the least odour risk approach due to the usually good buffer distances to housing.

In relation to the proposed subdivision of Lot 3 DP237431 and Lot 211 DP833717, we comment that the odour report prepared by SKM shows that air quality in the vicinity of these lots will be acceptable and will not be made worse by the proposed expansion in the area of the two lots.

We object to the first, fifth and seventh conditions suggested by Council. Condition three goes without saying and is unnecessary.

#### **THE BLOOMFIELD GROUP**

The Bloomfield Group does not object to the proposal.

In relation to the comment by Bloomfield that they may accept material if it satisfies the legislative requirements, we advise that Bloomfield has accepted and made use of the material for some time to the mutual benefit of both Bloomfield and Enviroking.

#### **NSW OFFICE OF WATER**

NOW raises a number of issues, most of which have been dealt with in the EA, or are addressed above. We comment on each of the issues raised below.

#### **Re-use of treated effluent.**

As discussed above, the treatment and re-use of the waste will be undertaken in accordance with the exemption for land application reuse of effluent water, treated grease trap waste and food waste under the POEO Act. The matters raised by NOW in relation to re-use of effluent off-site, the use of treated waste for irrigation/injection and the treatment method are the responsibility of DECCW(EPA).



### Temporary storage of effluent

All treated effluent will be stored in two 150,000 litre tanks at the rear of the building. No effluent is stored in the existing dam which stores roof and stormwater for fire fighting purposes only. Section 4.10 of the EA describes an earlier situation which no longer applies.

### Groundwater monitoring

As discussed above, the treatment and re-use of the waste will be undertaken in accordance with the exemption for land application reuse of effluent water, treated grease trap waste and food waste under the POEO Act. Any land application that may occur is not associated with the current application and will be the subject of another application or of an exemption process. The correct place to address any monitoring will be during those applications and will be the responsibility of the DECCW.

### PLANS AND BUILDING AREAS

We attach updated copies of the plans of the proposed works. The plans have been revised to show the floor areas before and after the proposed works, and including areas under awnings.

### COST ESTIMATE

We are pleased to provide the following breakdown of the cost estimate for the proposed works, based on the attached plans. We note that the estimate is significantly higher than the previous estimate and advise that this breakdown is based on quotations that the proponent has requested from local suppliers.

#### Cost Estimate

Supply and erect building extension, including excavation, slabs, awnings & doors	\$335,000
Allowance for power, water, spoil removal, site requirements, insurance & survey	\$15,000
2 x 150kL tanks	\$24,080
2 x concrete ring beams for tanks	\$7,500
1 x ventilation fan and stack	\$24,200
3 x hoods for ventilation	\$3,000
<b>Total</b>	<b>\$408,780</b>

### CONCLUSION

We believe that we have addressed the matters you have requested. Please contact Roger Gain if you require further information or wish to discuss our response.

In light of the responses to the public exhibition and in light of the above comments, we do not consider that any modifications are required to the proposal.

Yours faithfully

**DON FOX PLANNING PTY LIMITED**

**ROGER GAIN**  
**DIRECTOR**

rgain@donfoxplanning.com.au

Reviewed: \_\_\_\_\_