planning consultants

Section 4.55(2) Planning Report

MP07_0048-MOD-3 – Enviroking Liquid Waste Facility Project

Lot 931 DP 816814, 843 John Renshaw Drive, Black Hill

Prepared for: Enviroking Pty Ltd
April 2023

PO Box 230 Pennant Hills NSW 1715 | P 02 9980 6933 | www.dfpplanning.com.au

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11 Dartford Road, Thornleigh NSW 2120
PO Box 230, Pennant Hills NSW 1715
P: 02 9980 6933
www.dfpplanning.com.au
DFP Planning Pty Limited
ACN 002 263 998

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Abbreviations

AADT	annual average daily vehicle trips
AS	Australian Standard
BC Act	*Biodiversity Conservation Act 2016*
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CC	construction certificate
Council	Cessnock Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
DPE	NSW Department of Planning and Environment
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPA	Environmental Protection Authority
EPI	environmental planning instrument
EPL	Environmental Protection Licence
GTW	grease trap waste
IBC	Intermediate Bulk Container
LEP	local environmental plan
LGA	local government area
OU	odour unit
REP	regional environmental plan
RL	reduced level
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

DFP has been commissioned by Enviroking Pty Ltd to prepare an application under section 4.55(2) of the *Environmental Planning and Assessment 1979* to modify development consent MP07-0048, as modified for the Enviroking Liquid Waste Facility Project which is located at 843 John Renshaw Drive, Black Hill (the Site).

The s4.55 application relates to the "processing" limits of the existing facility and seeks 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.

The s4.55 application also seeks 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 Environmental Protection Authority (EPA) licence reporting period, which ends on 23 October each year.

The proposal has been assessed with 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 proposal has been assessed as being unlikely to result in significant adverse environmental impacts with specialist assessments undertaken relating to air quality and traffic confirming that the existing infrastructure and operational practices are satisfactory to cater for the proposed increase throughput.

The proposal will enable more waste to be processed at the existing facility without the need for any expansion of the existing building footprint 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

1.1 Commission

DFP has been commissioned by Enviroking Pty Ltd (Enviroking or the Applicant) to prepare an application under section 4.55(2) of the *Environmental Planning and Assessment 1979* (EP&A Act) to modify development consent MP07-0048, as modified (the Consent) for the Enviroking Liquid Waste Facility Project which is located at 843 John Renshaw Drive, Black Hill (the Site).

The s4.55 application relates to the "processing" limits of the existing facility and seeks 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.

The proposed increase in throughput can be accommodated using the existing equipment and storage tanks and with no increase in the footprint of existing buildings.

In addition, it is proposed 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.

1.2 Purpose of this Statement

The purpose of this report is to provide the Department of Planning and Environment (DPE) and relevant NSW State Government Agencies with all relevant information necessary to assess the subject development proposal and to determine the modification application in accordance with section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

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 (see **Appendix A**).

The following table is a summary of the SEARs, including comments from EPA and how these have been addressed in this report and/or in the documentation submitted with the modification application.

Table 1 SEARs Requirements

SEARs	Report Reference
1. Description of the modification, including: • 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	**Section 4**
• plans that clearly identify the existing facility (as approved) and any proposed modifications to the site layout, plant and equipment	**Section 4** **Appendix I**
• identification of conditions to be modified and proposed wording of any new or modified conditions	**Section 4**
• identification of any proposed variations to other licences and approvals.	**Sections 3 and 4**
2. Details of the existing operations on site, including: • a description of existing and approved operations/facilities, including licences or statutory approvals that apply to these	**Section 3**
• a summary of the existing conditions of consent that would be relevant to the proposal	**Section 3**
• a summary of the existing environmental management and monitoring regime	**Section 3** **Appendix J**
• detailed plans of the existing and proposed site layout and structures.	**Appendix I**

1 Introduction

Table 1 SEARs Requirements	
SEARs	**Report Reference**
3. Assessment of the modification, including: • a detailed assessment of the key issues specified below, and any other significant issues identified by a risk assessment, including: 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	**Section 5**
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.	**Section 5**
4. Strategic and statutory context, including: • the need and justification for the proposal having regard to its location and impacts, the suitability of the site and the public interest	**Section 5**
• consideration of all relevant legislation, strategies, environmental planning instruments, including identification for any inconsistencies	**Section 5.3**
• 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&A Act.	**Section 5.3**
5. Traffic and access, including: • 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	**Section 5.4.1** **Appendix K**
• consideration of whether additional vehicle parking is required on site in accordance with the relevant Australian Standards and Council's DCP	**Section 5.4.1** **Appendix K**
• plans demonstrating how all vehicles associated with the proposed increased throughput can be accommodated on the site while awaiting loading, unloading or servicing.	**Section 5.4.1** **Appendix K**
6. Air quality, including: • 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	**Section 5.4.2** **Appendix L**
• details of proposed mitigation, management and monitoring measures.	**Section 5.4.2** **Appendix L**
7. Soil and water, 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.	**Section 5.4.3**
8. Noise and Vibration, 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.	**Section 5.4.4** **Appendix M**
9. Waste management, including: • a description of the waste streams that would be accepted at the site including maximum daily, weekly and annual throughputs	**Sections 3.3 and 5.4.5**
• 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	**Sections 3.3 and 5.4.5**
• 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	**Sections 3.3 and 5.4.5**

1 Introduction

Table 1 SEARs Requirements	
SEARs	**Report Reference**
• details of the waste management strategy for construction and ongoing operational waste generated	**Sections 3.3 and 5.4.5 Appendix J**
• 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.	**Section 5.2.2**
10. **Hazard and risk,** 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).	**Section 5.4.6 Appendix O**
11. **Biodiversity,** 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.	**Section 5.4.7**
12. **Consultation** with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners, particularly NSW Environment Protection Agency (EPA).	**Section 2.7**
13. A table indicating where each element of the SEARs is addressed in the modification application.	**This Table**
EPA	**Report Reference**
• 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;	**Section 5.4.4 Appendix M**
• An adequate assessment of any potential increase of odour emissions and any ameliorative measures necessary;	**Section 5.4.2 Appendix L**
• A waste balance assessment to ensure the liquid waste balance of input, treatment, outputs and disposal, is managed appropriately;	**Section 5.4.5**
• How the Proponent will maintain compliance with the development consent and Environment Protection Licence 11180 without adverse impacts on the environment;	**Section 5**
• Full details regarding what processes and infrastructure the Proponent has in place to manage the proposed increase in capacity;	**Section 3**
• Details regarding the containment and processing of water and runoff water, and what methods are in place for the protection of stormwater; and	**Section 5.4.3**
• Clarification on what the 'internal storage tank adjustments' may include.	**Section 4**

1.4 Material Relied Upon

This s4.55 report has been prepared by DFP based on the information listed below:

- SEARs and accompanying material (*issued by the DPE*);
- Project Approval MP07-0048 and modification instruments (*issued by the DPE*);
- Environmental Protection Licence 11180 (*issued by the NSW EPA*);
- Environmental Protection Licence 11245 (*issued by the NSW EPA*);
- Relevant EPA Orders and Exemptions relating to Grease Trap Waste (GTW) and Liquid Food Waste;

1 Introduction

- Internal layout plans *(prepared by Advantage);*
- Environmental Management Strategy *(prepared by SLR Consulting Australia Pty Ltd);*
- Traffic Impact Assessment *(prepared by Genesis Traffic);*
- Acoustic Assessment *(prepared by RWDI Australia Pty Ltd (RWDI);*
- Air Quality Assessment *(prepared by RWDI Australia Pty Ltd (RWDI);*
- Annual Throughput records 2021-2022 *(prepared by Enviroking); and*
- Chemical Storage Assessment *(prepared by SESL).*

2 Background

2.1 DA118/697/181

In November 1998, Cessnock City Council (Council) granted development consent (DA118/697/181) for a liquid waste facility on the site to process 5,000 tonnes of waste per year.

2.2 Project Approval MP07_0048

On 1 August 2010, MP07_0048 was approved by the delegate of the Minister for Planning and permitted the Site to "process" up to 20,000 tonnes of liquid waste per year (see **Appendix B**). Condition 6 under Schedule 2 of the Project Approval is as follows:

> 6. The Proponent shall not:
> (a) process more than 20,000 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*.
>
> ***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.*

Whilst it is not explicitly defined in the Project approval, it is assumed that the 'year' commences on the date of determination of MP07-0048, being 1 August and ends on 31 July the following year.

This condition is proposed to be amended under the modification application in relation to the volumes of material allowed to be processed each year (to be 30,000 tonnes) and to align the processing 'year' to accord with the relevant EPA reporting period for this facility.

2.3 Modification to MP07_0048 (MOD 1)

MP07-0048 was modified on 11 May 2012 in relation to minor design changes (MOD 1) (see **Appendix B**).

2.4 Declaration as State Significant Development

On 31 July 2020, by notice in Government Gazette No. 166, MP07_0048 was declared to be State Significant Development (SSD) under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

Consequently, on the making of the declaration, the MP07_0048 ceased to be a Part 3A Project and is now taken to be a development consent under Part 4 of the EP&A Act.

Accordingly, the relevant provisions for modification of the development to which the Consent relates are those contained within s4.55 of the EP&A Act.

2.5 Modification to MP07_0048 (MOD 2)

On 12 October 2020, a s4.55 modification application (MP07_0048-MOD-3) was approved relating to the approved hours of operation for truck movements to the Site (see **Appendix C**).

2.6 Existing Licences, Orders and Exemptions

In addition to the Consent, the Site operations are subject to the following Environment Protection Licences (EPLs), Orders and Exemptions:

- EPL 11180 (last issued on 25 January 2019 and requiring renewal by 25 January 2024) – which permits waste processing (non-thermal treatment) and waste storage up to 20,000 tonnes per annum (see **Appendix C**). EPL 11280 requires reporting on an annual basis with a written report to be issued to the EPA within 60 days of the end of the reporting period, being 23 October each year. The proposed modification will require EPL 11180 to be modified to reflect the increased capacity to 30,000 per year;

2 Background

- EPL 11245 (last issued on 15 October 2009 without end date) – which grants the Licensee, Enviroking Pty Ltd, permission for the transport of trackable waste (see **Appendix D**). EPL 11245 does not limit the quantum of waste transported, does not require regular reporting and does not require any modification to reflect the proposed increased capacity to 30,000 per year under this modification application;
- EPA Resource Recovery Order – Treated Grease Trap Waste 2014 (issued on 24 November 2014 and valid until revoked) – which imposes requirements on suppliers of GTW (see **Appendix E**). This Order makes no reference to any quantum of waste, does not require regular reporting and does not require any modification to reflect the proposed increased capacity to 30,000 per year under this modification application;
- EPA Resource Recovery Exemption – Treated Grease Trap Waste 2014 (issued on 24 November 2014 and valid until revoked) – which grants permission for the application of treated GTW to any land intended for such purpose (see **Appendix F**). This Exemption does not limit the quantum of waste to be applied to land, does not require regular reporting and does not require any modification to reflect the proposed increased capacity to 30,000 per year under this modification application;
- EPA Resource Recovery Order– Liquid Food Waste 2014 (issued on 24 November 2014 and valid until revoked) – which imposes requirements on suppliers of liquid food waste (see **Appendix G**). This Order makes no reference to any quantum of waste, does not require regular reporting and does not require any modification to reflect the proposed increased capacity to 30,000 per year under this modification application;; and
- EPA Resource Recovery Exemption – Liquid Food Waste 2014 (issued on 24 November 2014 and valid until revoked) – which grants permission for the application of treated liquid food waste to any land intended for such purpose (see **Appendix H**). This Exemption does not limit the quantum of waste to be applied to land, does not require regular reporting and does not require any modification to reflect the proposed increased capacity to 30,000 per year under this modification application.

2.7 Consultation

Item 12 of the issued SEARs states the following:

> *12. Consultation with relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners, particularly NSW Environment Protection Agency (EPA).*

In this regard there were no objectors to the original application (other than Cessnock Council although their concerns were in relation to the final location of waste disposal within their LGA, rather than the processing of waste on this Site or truck movements) or the most recent modification application (MOD 2) which related to a variation to the hours of truck movements to the Site.

Given that the modification does not involve any changes to the approved hours of operation and has been assessed as having minimal environmental impacts with regard to noise and air quality, it is not considered necessary to consult with Transport for NSW in this instance.

Even though the EPA is aware of the current operations, DFP contacted the EPA to ascertain if they wished to discuss the proposal and on 20 March 2023, the EPA advised by email that the matters raised by the EPA in letter dated 20 August 2021 are to be addressed. This report and other documentation submitted with application address those matters.

3 Site Context

3.1 Location

The Site is located within the Cessnock LGA, approximately 20 kilometres east of Cessnock and 21 kilometres north-west of Newcastle CBD (see **Figure 1**).

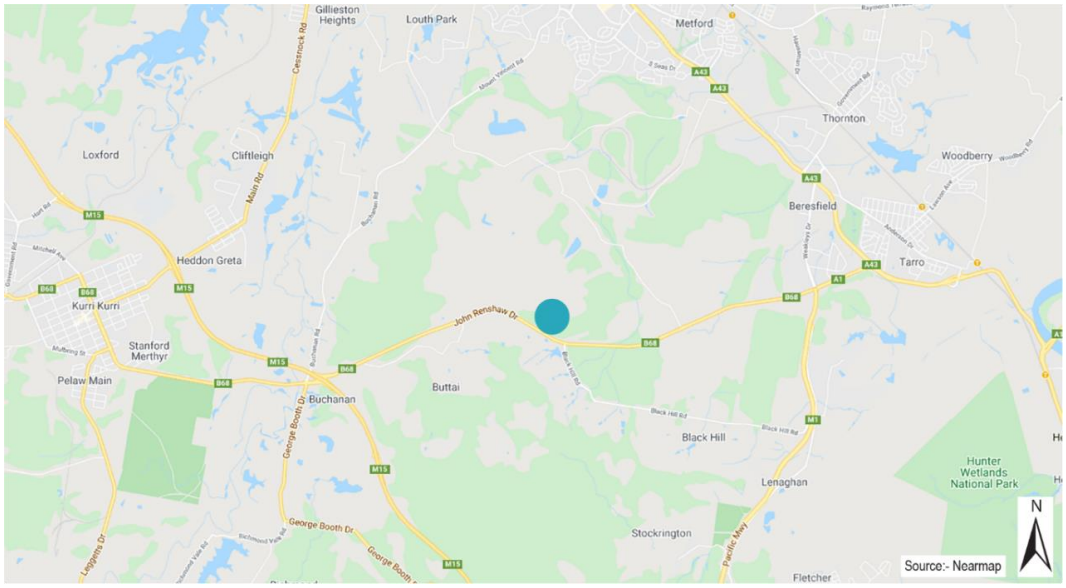

Figure 1 Site Location

3.2 Site Description

The Site is legally described as Lot 931 DP 816814 and is also known as 843 John Renshaw Drive, Black Hill. The Site has an area of 60.21 hectares.

The Site is bound by John Renshaw Drive to the south, Bloomfield Collieries Open Cut Mining operation to the north and Donaldson Mine to the east. Smaller rural holdings are located to the south of John Renshaw Drive (see **Figure 2**).

Figure 2 Site Context

The Site is predominantly covered with native vegetation except for a cleared area near the central and northern part of the property where a complex of buildings, plant and machinery associated with the approved operations are located. A cleared driveway connects this complex of buildings to John Renshaw Drive.

3 Site Context

3.3 Existing Facility

The existing facility comprises a complex of buildings, plant and machinery including:

- Access drive from John Renshaw Drive to two complexes of metal clad buildings;
- The complex nearest to John Renshaw Drive contains administration and staff amenities;
- The complex farthest from John Renshaw Drive is used for all unloading and loading of waste and treatment processes. This complex contains a series of tanks used in the treatment process (see below); and
- Water storage tanks to the rear of the treatment buildings.

Wastes accepted by the existing Enviroking facility comprise oily or greasy waste waters, generally being the types of waste that are not treatable by public sewage treatment plants (STPs). **Appendix N** is a record of the throughput of the existing facility shown as monthly totals between 23 October 2021 and 22 October 2022 and weekly incoming and outgoing waste streams for the 2022 calendar year. Waste falls into three broad categories, namely:

- GTW - 18,702 tonnes received in the 2022 calendar year;
- liquid food waste - 585 tonnes received in 2022; and
- oily waters, stormwater, drilling mud and liquid lime - 2,293 tonnes received in 2022.

The proposed increase in throughput at the Enviroking facility (from 20,000 tonnes to 30,000 tonnes) can be accommodated using the existing equipment and storage tanks and with no increase in the footprint of existing buildings.

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 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 including:

- Settlement tanks – This is the first step in the process whereby solid and liquid components are separated. This results in the production of untreated liquids and dewatered sludges;
- The untreated liquids are then transferred to a series of secondary treatment tanks. The liquid waste is treated using flocculants and coagulants to separate solids from the waste water with the waste water temporarily stored in tanks within the building. If necessary, the process is repeated to attain waste water suitable for off-site disposal;
- The solid matter from the flocculation process is then added to the dewatered sludge.

The treated sludge component of the GTW is then 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**. Treated water is currently disposed of at the Hunter Water 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 handles, 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 Tank #12) before transfer to a truck for off-site application.

3 Site Context

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.

Chemicals stored and used on the premises for the purposes of treated waste waters include:

- HydraClean® HC-6100 (active chemicals: sodium hypochlorite and sodium hydroxide);
- HydraBond® HB-2602 (active chemicals: distillates (petroleum), hydrotreated light and Isotridecanol, ethoxylated);
- HydraPrime® HP-1420 (active chemicals: aluminium hydroxide chloride); and
- Hydrated Lime (active chemicals: calcium hydroxide and magnesium hydroxide).

These chemicals are stored within the treatment building in a bunded area. At any one time, only two (2) x 1,000L Intermediate Bulk Containers (IBCs) of HydraClean and HydraPrime, two (2) x 20L drums of HydraBond and 2 tonnes of Hydrated lime (in 20kg bags) are kept on premises.

Table 2 provides a brief description of the treatment and storage tanks and their capacity and **Figure 3** and **Appendix I** show the internal arrangements of the treatment building.

Table 2 Summary of Tank Usage and Capacity

Tank #	Use	Description	Capacity (L)
1	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	Receiving - Settlement	Used for settlement of sludge and water. Waste is left in Tanks 2-3 to separate by gravity for 24 hours then water is drawn off to Tanks 4-9 for further treatment or sludge moved to the sludge pit. 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
3	Receiving - Settlement		35,000
4	Water Treatment	Used for wastewater treatment after being drawn off from Tanks 2-3 or the Sludge Pit. Water treatment is undertaken by adding flocculants and coagulants. Additional sediments are drawn off to the Sludge Pit. Treated water is drawn off to tanker for off-site disposal. Due to replacement and renewal of ageing tanks, there is an additional 50,000L of water treatment capacity compared to that originally approved.	22,000
5	Water Treatment		22,000
6	Water Treatment		22,000
7	Water Treatment		22,000
8	Water Treatment		25,000
9	Water Treatment		25,000
10	Sludge Storage	Used for temporary storage of sludge /liquid food waste prior to being drawn off to tankers for off-site disposal. 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
11	Sludge Storage		22,000
12	Spare Storage		20,000
13	Sludge Pit - Settlement	Used to gravity separate sludge from waters. Any waters are drawn off and sent to Tanks 4-9 for water treatment. Sludge is drawn off to tankers for off-site disposal or sent to Tanks 11-13 for storage before off-site disposal.	45,000
14	Oily Water Treatment	The original tank for this purpose has been relocated to the western side of the building, closer to the oily water pit and is used as the primary oily water tank.	16,000

3 Site Context

Table 2 Summary of Tank Usage and Capacity			
Tank #	**Use**	**Description**	**Capacity (L)**
15	Oily Water Treatment	An additional spare tank has been installed. Water treatment is undertaken by adding flocculants and coagulants. Additional sediments are drawn off to the sludge pit	20,000
16	Wash Out	Used for wash down and wash out of tanks.	16,000
17	Water Storage	Used for additional water storage	150,000
18	Water Storage		150,000
		Total	**694,000**

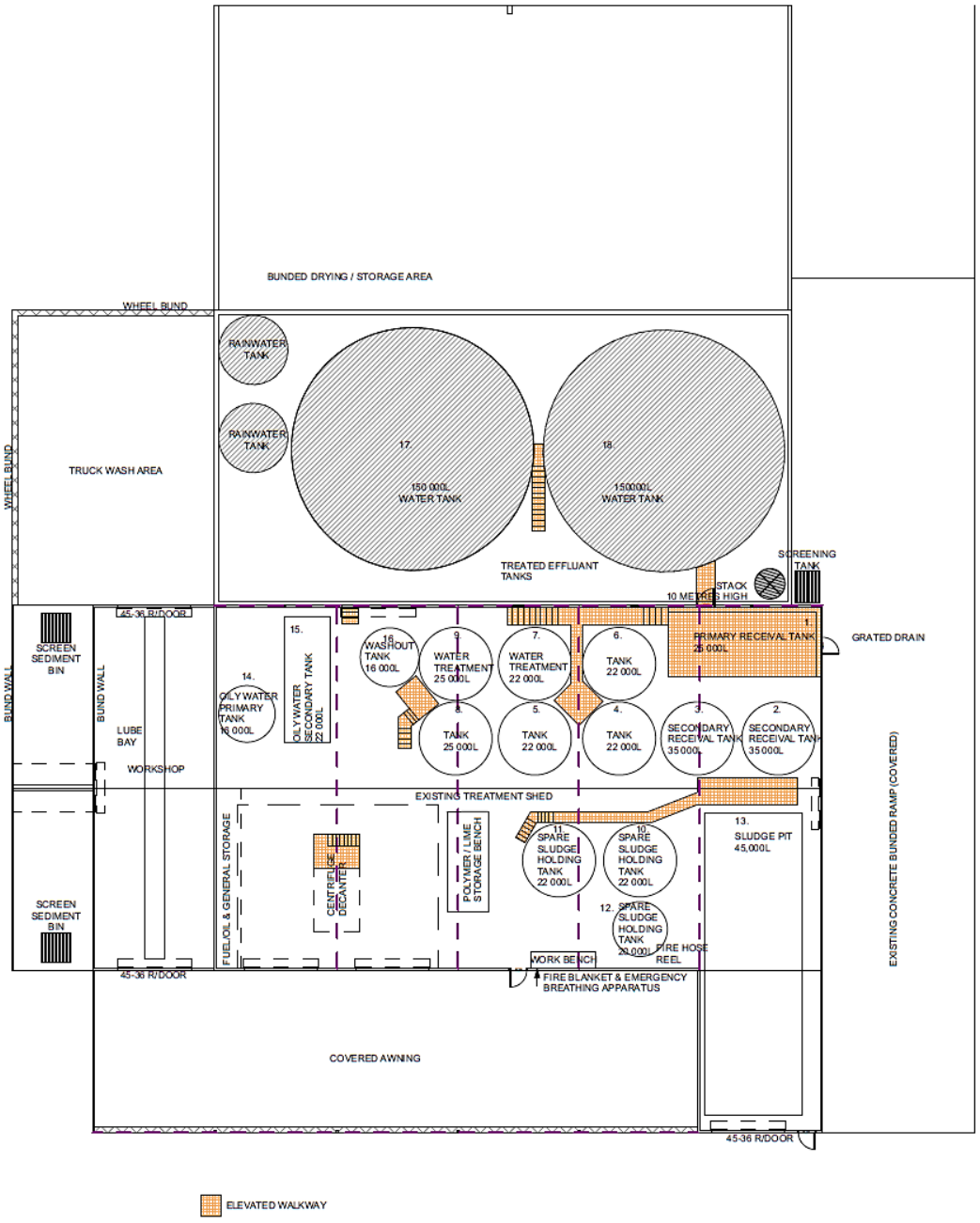

Figure 3 Plan of internal layout of main building showing treatment process and storage tanks

3 Site Context

Table 3 includes a comparison of the approved storage capacity of the various tanks against the current capacity, for which approval under this modification application is sought.

Table 3 Comparison of Approved and Existing Tank Capacity

Use	Approved Capacity (L)	Existing / Proposed Capacity (L)	Net Difference (L)
Receiving – Settlement	95,000	95,000	-
Sludge Pit – Settlement	45,000	45,000	-
Sludge/Spare Storage	-	64,000	64,000
Water Treatment	88,000	138,000	50,000
Oily Water Treatment	46,000	36,000	(10,000)
Water Storage	300,000	300,000	-
Vacuum Tank	15,000	-	(15,000)
Wash Out	16,000	16,000	-
Total	**605,000**	**669,000**	**89,000**

The existing / proposed arrangement detailed above is slightly different to the arrangement of tanks as approved under MP07_0048 due to some tanks being replaced in recent years due to their age / wear and tear and also occupational health and safety improvements relating to fixtures such as ladders, stairs and elevated walkways which were installed as Exempt Development under the provision of SEPP TI in late 2021 and early 2022.

Figures 4-7 are photographs of the existing operations on the site.

Figure 4 Receiving driveway where vehicles park under the awning on the eastern (right-hand) side of the building and pump out the collected wastes into the receiving pit.

3 Site Context

Figure 5 Screening and sediment bin on the eastern side of the building.

Figure 6 Receiving Tanks 2 and 3.

3 Site Context

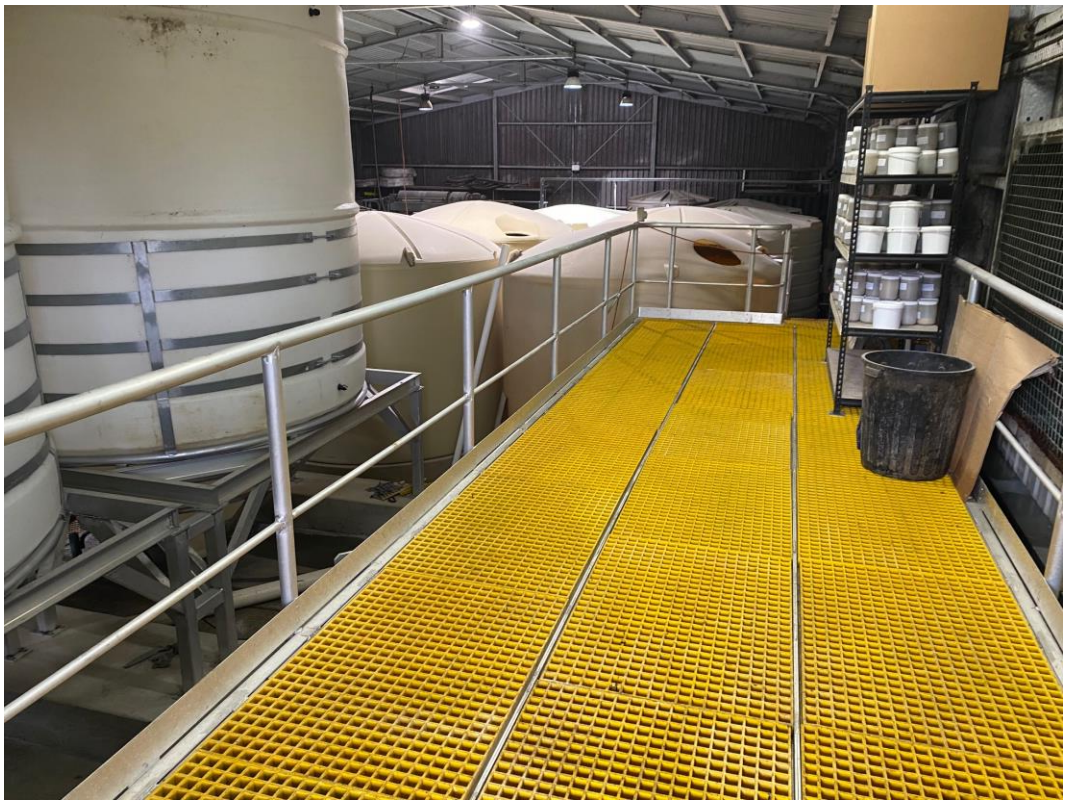

Figure 7 Receiving tanks (left) and water treatment tanks (centre).

3.4 Environmental Management and Monitoring

Appendix J to this report is the current Environmental Management Strategy for the approved use. It is not proposed to alter or deviate from this plan.

4 Proposed Development

4.1 Need for Modification

4.1.1 Storage Capacity

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 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, a waste facility at Kooragang Island ceased treatment and direct land application of GTW in 2020 meaning that waste that used to be taken to that facility was instead redirected to the Enviroking Site at Black Hill or, due to the current 20,000 tonne per annum limit, is 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, it is proposed to modify 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.

As detailed in **Table 3** compared to the approved site layout, the existing tank arrangements provide for:

- An increase in sludge/spare storage (in tanks) to 64,000L – NB there was previously no sludge storage noted on the approved plan;
- An increase of 50,000L water treatment capacity – NB: this capacity is already in place as a consequence of renewal of ageing water tanks;
- A decrease of 10,000L oily water treatment due to the limited demand for this type of waste; and
- A decrease of 16,000 vacuum storage due to the lack of use of this tank – NB: the location of this tank is occupied by a chemical storage bench.

4.1.2 Revised Internal Layout Plans

Whilst the increase in throughput can be accommodated using the existing equipment and storage tanks, as discussed in **Section 3.3**. The layout plan at **Appendix I** also depicts the current layout reflecting improvements to fixtures including ladders, stairs and elevated walkways relating to health and safety of workers which were installed as Exempt Development in 2021/22.

There is no change proposed to the methods of waste disposal which are not subject to the Project Approval and are undertaken in accordance with separate EPA Orders and Exemptions.

4.1.3 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.

4 Proposed Development

The lack of coordination between the 'year' ends based on the Consent, the EPA licences and auditor interpretation presents difficulties for the operator in terms of ensuring compliance with treatment limits and reporting thereon. 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 align the Consent reporting and auditing 'year' for annual capacity with the EPA reporting 'year' – ending on 23 October.

4.2 Proposed Modification

4.2.1 Modification to Condition 6

Condition 6 of the Consent states the following:

> *6. The Proponent shall not:*
>
> *(a) process more than 20,000 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.*
>
> ***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.*

It is proposed to modify Condition 6 in the following manner:

> *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 end on 23 October to align with the reporting period as set out in EPL 11180.*
>
> ***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.*

4.2.2 Modification to Plans at Appendix 1

It is proposed to replace the internal arrangement plan at Appendix 1 to the Consent – Drawing No. CC9, Sheet 2 of 4, with the updated internal arrangement plan and schedule of storage capacity of the various tanks submitted with the modification application (see **Appendix I**).

5 Environmental Planning Considerations

5.1 Project Justification

As discussed in **Section 4.1**, the existing facility provides an essential service not provided by public utilities and due to recent 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 without any change to existing approved buildings and without any changes to hours of operation. Some minor adjustments to the way in which storage tanks are used may be necessary to manage the additional capacity.

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

The legislation and policies relevant to the proposed modifications are addressed below.

5.2 Strategic Context

5.2.1 The Hunter Regional Plan 2036

The Hunter Regional Plan 2036 applies to land comprising the Site although the plan does not contain any specific Goals or Directions relating to liquid waste treatment or disposal. Notwithstanding, the proposed modification will enable the approved facility 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.

5.2.2 The NSW Waste and Sustainable Materials Strategy Stage 1: 2021-2027

The NSW Waste and Sustainable Materials Strategy Stage 1: 2021-2027 (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 assist to reduce long distance haulage of waste and thus reduce consequential environmental impacts.

5.3 Statutory Context

5.3.1 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:"*

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

"(a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the 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 comprises no change to the footprint of the approved buildings, approved hours of operation or types of waste to be handled. No variation to the traffic movement limits approved under MOD 2 will be required as all additional trips will be accommodated during the daytime period.

The increase in processing capacity can be managed utilising existing infrastructure, albeit that minor adjustments to the arrangement and use of tanks will be necessary.

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.

To our knowledge, the conditions to be modified are 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 has provided some preliminary feedback in response to DPE's referral as part of the SEARs request and further consultation has been undertaken since.

Matters raised by the EPA are addressed in **Section 5.4** of this 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 proposed modification application may be notified by the DPE.

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 DPE notify the subject application in accordance with section 4.55(2)(d), 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 5.4** of this submission.

5.3.2 Environmental Planning and Assessment Regulation 2021

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

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

5.3.3 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.*

5 Environmental Planning Considerations

As indicated in this submission, the proposed modifications will have minimal environmental impacts and do not seek to alter the conditions of consent which will not diminish or in any way weaken the environmental performance of the facility.

The proposed changes to the reporting timeframes to align the consent with the EPA audit period will not diminish the operator's responsibilities with respect to monitoring and reporting.

Further, no changes to the adopted and approved mitigation measures are proposed as part of the modification.

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.

5.3.4 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 is an application to modify a DA that has been declared to be SSD by virtue of the notice in Government Gazette No. 166.

Therefore, the application will be submitted to DPE for assessment and the Minister (or delegate) will be the determining authority.

5.3.5 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*
>
> *(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.

No change to the approved hours of operation is sought as part of the modification application. The proposed additional 10,000 tonnes per annum of waste will be received during the daytime operation only - i.e. between 7am and 6pm Monday to Saturday. 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. These additional truck movements represent an average of 1 truck movement per hour on John Renshaw Drive.

Notwithstanding that no change to the hours of operation or number of vehicle trips permitted outside of daytime hours (in line with the s4.55 modification approved in October 2020) are proposed under the modification application, the application will be required to be referred to Transport for NSW (TfNSW) pursuant to the provisions of section 2.112(4) of SEPP TI.

The modification application is accompanied by a Traffic Impact Assessment which is discussed in **Section 5.4.1** of this report.

5.3.6 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 of SEPP RH relates to hazardous and offensive development. It aims to identify developments that have the potential for significant offsite impacts, in terms of risk and/or offence. Developments assessed as likely to result in significant risks and/or offences, are considered to be hazardous and/or offensive development.

Prior to determination of the existing facility an assessment of whether it could be considered to be a potentially offensive industry was made. It was concluded that subject to implementation of the recommended mitigation measures, the project would not result in significant adverse impacts on the locality.

In this regard, the mitigation measures attached to the original consent have been implemented and the facility has been operating without adverse environmental impacts.

Furthermore, an EPL for the facility has been issued by EPA and therefore, the development is not considered to be hazardous of offensive development.

In addition, an assessment of the chemicals stored and used on-site has been undertaken by SESL which indicates that the types, quantities and storage of chemicals do not give rise to hazardous or potentially hazardous materials (see **Section 5.4.6**).

5.3.7 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.

Accordingly, in this instance 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*.

5.3.8 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 proposed modification is not inconsistent with these objectives as it does not involve any expansion to buildings or change to vegetation and merely relates to the throughput of the approved development and reporting regimes.

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

Aquaculture; Cellar door premises; Dual occupancies; Dwelling houses; Environmental protection works; Farm buildings; Health consulting rooms; Home industries; Hospitals; Neighbourhood shops; Pubs; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Self-storage units; Any other development not specified in item 2 or 4

4 Prohibited

Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Depots; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Heliports; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

As waste management facilities are not listed as a prohibited land use, the approved development and the proposed modification are permissible with development consent in the RU2 Zone.

No other provisions of the LEP are considered relevant to the proposed modification as it does not include any new buildings and does not require any additional or augmented essential services or infrastructure.

5.3.9 Cessnock Development Control Plan 2010

Cessnock Development Control Plan 2010 (the DCP) applies to the Site although pursuant to Clause 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.

5 Environmental Planning Considerations

5.4 Environmental Planning Assessment

5.4.1 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 2020 s4.55 modification application (MOD 2) relating to operating hours highlighted that approximately half of these trips would occur prior to 7am, meaning that only 13 trips might be expected between 7am and 6pm Monday to Saturday. No deliveries or collections occur on Sundays or public holidays.

No increase or change in the number of truck movements specifically approved under MOD 2 is sought - i.e. there is no proposed increase to truck movements prior to 7am. The additional truck movements would only 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 8**.

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 not audible at any premises beyond the boundary of the site.
2. A 'vehicle trip' includes both inbound and outbound movements.

Figure 8 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 13 additional trips across the daytime period. The additional truck movements represent an average of 1 truck movement per hour on John Renshaw Drive. All of these additional truck movements will occur between 7am and 6pm.

An assessment of the impacts of the additional truck movements has been undertaken by Genesis Traffic. A copy of that assessment is submitted with the modification application (see **Appendix K**).

Genesis Traffic reviewed the TfNSW Annual Average Daily Traffic (AADT) for the Hunter Expressway and found that there was a 2.7% per annum increase in traffic for the years 2020 – 2022.

Previously collected traffic data indicates average AM and PM peak traffic of 1,050 vehicles per hour (vph) and 1,250 vph on John Renshaw Drive in 2020, with the AM peak occurring around 7am and PM peak around 4.30pm. Between those peak periods, two-way traffic flows on John Renshaw Drive average 750 to 800 vph.

Based on the average background traffic growth rate of 2.7% being applied across the peak period traffic flows, Genesis Traffic estimates that the average hourly two-way traffic flows would equate to approximately 1,080 vph in the AM peak and 1,285 vph in the PM peak in 2022.

On this basis, Genesis Traffic has 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.

Genesis Traffic also assessed the vehicular manoeuvring on site and on site car parking availability and concluded that:

- the existing car parking supply is adequate;
- No additional parking is required to be provided onsite; and
- the existing provision for truck circulation and waiting area is adequate and will be adequate for the increased operating capacity.

5.4.2 Air Quality

Odour

The proposed modification does not involve or require any change to the existing buildings however some plant and equipment has been replaced/updated as required to ensure performance standards are maintained.

As part of the 2007 approval which permitted the volume of waste treated at the facility to be increased to 20,000 tonnes, Sinclair Knight Merz (SKM) undertook an assessment of air quality and odours. The works associated with the 2007 approval included the installation of a new ventilation system.

The SKM air quality impact assessment was undertaken in accordance with DECCW's *'Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW'* and evaluated the potential odour levels based on DECCW's odour performance criteria which considers the population of the potentially affected community, cumulative impacts, anticipated odour levels during adverse meteorological conditions and community expectations of amenity.

Odour is measured in odour units. The number of odour units represents the number of times that the odour would need to be diluted to reach a level that is just detectable to the human nose. Thus, odour less than one odour unit (1 OU), would not be detectable to most people. The NSW criteria for acceptable levels of odour range from 2 to 7 OU, with the more stringent 2 OU criteria applicable to densely populated urban areas and the 7 OU criteria applicable to sparsely populated rural areas.

In relation to the assessment undertaken as part of the 2007 application, SKM found that odour levels from the existing facility complied with the relevant criteria. Notwithstanding SKM concluded that the addition of the new ventilation system would improve odour levels in the immediate vicinity of the Enviroking facility (i.e. for the employees) from 7OU/m^3 (odour unit per cubic metre) to 0.6OU/m^3, while the odour levels at the nearest residences would remain at approximately 0.2OU/m^3.

Importantly, the SKM assessment adopted a highly conservative modelling approach whereby odour emission rates were modelled based on a 24 hour/7 days per week operation, despite the Enviroking facility having main operating from 5am – 5pm (Monday to Friday) and 6am – 12pm (Saturday), with only a small number of deliveries outside these hours. As such the

assessment scenarios have been modelled using worst-case odour concentrations of liquid waste material and were still found to be compliant with the relevant criteria.

Wilkinson Murray (Now RWDI) has considered the potential odour impacts associated with the proposed increase in the volume of waste to be treated (see **Appendix L**). Wilkinson Murray found that *given the small impact predicted beyond the consent area for the proposed expansion of operating capacity of the Enviroking facility, there would be no real potential for these to impact cumulatively with other local odour sources such that the amenity of surrounding sensitive receivers would decrease.*

In terms of odour control, the current ventilation controls which include a hood system covering the most odorous areas of the plant building, should be working in proper condition along with the specified parameters.

Accordingly, the original assessment and determination that the potential for odour impacts is minimal remains valid for the modified proposal, noting that the original assessment assumed 24 hours, 7 days per week operations and the approved facility operates well within these parameters.

Airborne Particulates (Dust)

The main source of dust from the Enviroking site is from vehicles, mainly road tankers crossing the unsealed section of the access road to the site off John Renshaw Drive. Dust emissions are currently managed by watering the access road to the site as required.

The proposed increase in throughput will result in an increase in truck trips using the existing gravel access driveway.

Wilkinson Murray undertook a dust impact assessment (see **Appendix L**) having regard to the increase in vehicular movements and concluded that the *potential dust impacts associated with the increase in truck movements of the proposed increased capacity will result in negligible impact.*

The existing dust suppression measure of a water tanker spraying this 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*".

5.4.3 Soil and Water

The proposed modification seeks to increase the volume of waste liquid processed on site. No changes to the existing buildings or on site vehicle manoeuvring areas is proposed or sought. Therefore, no changes to the existing stormwater management system are proposed.

Potential sources of contamination to soil and water include the potential for spillages of treated and untreated waste being transported to (and unloaded at) the site to occur or as a result of the failure of treatment/storage tanks.

All waste is and will continue to be treated within the building. There are also two 150kL tanks outside the treatment building which are used to store treated water.

No untreated waste or effluent is or will be stored outside the treatment building.

All waste material is transported to the facility in sealed tankers. The risk of spillages during transport is therefore considered to be low. Additionally, the unloading areas are covered and bunded on hardstand surfaces so that any spillages that occur (infrequently) during unloading are contained.

All waste passes through the processing/treatment system prior to disposal off site and therefore the risk of partial or untreated waste being pumped for disposal is also considered to be low.

The treatment system has been arranged so that it is not possible to bypass any stage of the treatment process.

Additionally, the Environmental Management Strategy for the facility provides for regular testing of output materials to check for contamination prior to disposal.

The existing conditions of approval are considered sufficient to ensure the risk of untreated waste entering waterways is low.

5.4.4 Noise and Vibration

Wilkinson Murray has undertaken an assessment of the potential noise impacts associated with an increase to the annual throughput of waste from 20,000 to 30,000 tonnes per annum, noting that the additional 10,000 tonnes per annum will occur during the daytime period only (see **Appendix M**).

In this regard, no night time assessment was completed as no changes to the existing approved night operations are proposed.

The acoustic assessment considered noise from plant operation, truck movements on site and traffic noise on John Renshaw Drive.

The 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.

Wilkinson Murray found that the noise levels are predicted to comply with all relevant criteria and no adverse impact on surrounding residential receivers is expected.

No new buildings or equipment are proposed in order to facilitate the increase in processing volume and therefore no assessment of construction noise and vibration impacts has been undertaken.

With respect to noise associated with the increase in truck movements relating to the increase in processing volume, the Noise Impact Assessment that was lodged with the 2020 s4.55 modification application assessed that an additional 4-5 additional truck movements in the “night-time” period (i.e. 10pm to 7am) would not result in any exceedances of project specific noise criteria.

Accordingly, it is unlikely that an additional 13 peak truck movements during the daytime (i.e. 7am to 6pm) would result in an adverse acoustic impact.

Overall, it is considered that there will be no adverse noise and vibration impacts associated with the increase in volume of wastes processed and treated on site.

5.4.5 Waste Management

The purpose of the facility is to accept oily or greasy waste waters, generally being the types of waste that are not treatable by public STPs.

A detailed description of the treatment process is provided in **Section 3.3** of this report. The proposed increase in the volume of waste to the treated will not result in any changes to the treatment process or the methodology for the disposal of treated waste.

The untreated waste is transported to the site in tankers. It then undergoes a series of treatments including:

- screening to remove physical contaminants;
- leaving the GTW to settle by operation of gravity for at least 4 hours, so that the floating fats and oils, the aqueous liquid waste and the settleable portions of the GTW separate; and
- the floating layer must either be removed or be incorporated into the bottom settled layer following saponification by the addition of lime.

The treatment of GTW requires the use of flocculants (often an aluminium compound) and organic polymers to separate solids from the water phase and to clean up the water sufficient for transport by tanker and discharge to sewer off-site.

5 Environmental Planning Considerations

Liquid food waste does not require treatment and is either taken direct to land application bypassing the site, or if brought to the site, it may be transferred to another vehicle for off-site application to agricultural land and mine rehabilitation sites or temporarily stored (if required) in Tank #12 before removal off-site. Accordingly, whilst this waste stream is recorded in the current throughput, there is no significant storage demand.

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.

Appendix N is a record of the throughput of the existing facility shown as monthly total between 23 October 2021 and 22 October 2022 and weekly incoming and outgoing waste for the 2022 calendar year. This can be summarised as follows:

- Annual throughput of approximately 21,416 tonnes (23 October 2021 to 22 October 2022);
- Annual incoming waste of 21,582.3 tonnes (2022 Calendar year);
- Annual outgoing waste of 20,495 tonnes (2022 Calendar year);
- Average weekly incoming waste of 352 tonnes (2022 Calendar year); and
- Average weekly outgoing waste of 386 tonnes (2022 Calendar year).

The site operates for 5.5 days per week and accordingly, from the above, the average daily incoming and outgoing waste can be estimated as 64 tonnes and 70 tonnes respectively.

The maximum daily incoming and outgoing waste can be estimated as 96 tonnes and 116 tonnes respectively.

The proposal is for a maximum annual throughput of 30,000 tonnes which, based on the above, is estimated to result in:

- A maximum weekly throughput of approximately 577 tonnes; and
- A maximum daily throughput of approximately 104 tonnes.

It is noted that liquid food waste currently accounts for between 404-585 tonnes per annum or roughly 2-3% of the total throughput. Liquid food waste does not require on-site storage or treatment.

The existing settlement tanks are capable of accommodating 70,000L of waste water at any one time and typically, the initial settlement process occurs within 4-8 hours after which the settlements tanks are washed out and ready for the next load. Typically, this is a daily cycle although the facility can accommodate two cycles within a 24-36 hour period.

Following the initial settlement process, waste waters and sludge are separated with there being existing capacity for 138,000L of waste water treatment, 45,000L of sludge settlement and 64,000 of sludge storage.

Waste waters are treated and removed from the site within 24-36 hours of their receipt.

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 is capacity for approximately 2 days of waste water storage within the treatments tanks plus an additional 300,000L of spare treated water storage capacity if needed.

This equates 7.8 days' of storage if 70,000L are received per day or 5.25 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.

5 Environmental Planning Considerations

Appendix J to this report is the current Environmental Management Strategy for the approved use. 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. It is not proposed to alter or deviate from this approved strategy.

The existing facility operates under EPL 11180. Should the modification application be approved, the EPL will need to be amended to accord with the increase in the volume of waste treated.

No additional buildings, treatment/storage tanks or any changes to the processing/treatment regime are proposed in order to facilitate the increase in volume to 30,000 tonnes per annum and therefore there will be no demolition or construction waste to manage as a result of the proposed modifications.

5.4.6 Hazard and Risk

SESL Australia has provided advice in relation to any changes in chemical storage that might be required in order to vary EPL 11180 held by Enviroking (see **Appendix O**). The SESL assessment has been based on an increase in the volume of waste, including GTW, increasing from 20,000 tonnes to 30,000 tonnes per annum.

In order to accommodate the proposed increase in treatment volumes, SESL has determined that Enviroking will need to increase the volumes of the following chemicals to ensure the grease trap and other wastes are processed in line with the license and exemption order conditions:

- HydraClean® HC-6100 (active chemicals: sodium hypochlorite and sodium hydroxide): increase from 19,200 L to 28,800 L per annum. This chemical is stored in a 1000 L IBC.
- HydraBond® HB-2602 (active chemicals: distillates (petroleum), hydrotreated light and Isotridecanol, ethoxylated): increase from 160 L to 240 L per annum. This chemical is stored in 20 L drum containers.
- HydraPrime® HP-1420 (active chemicals: aluminium hydroxide chloride): increase from 4000 L to 6000 L per annum. This chemical is stored in a 1000 L IBC.
- Hydrated Lime (active chemicals: calcium hydroxide and magnesium hydroxide): increase from 25,920 kg to 38,880 kg per annum. This chemical is stored in 20 kg bags.

These are the annual amounts of chemicals to be used. At any one time only 2 IBCs of HydraClean and HydraPrime, 2 x 20L drums of HydraBond and 2 tonnes of Hydrated lime are kept on the premises. There will be no changes to the volume of chemicals stored on site; rather, to address the increase in the volume of waste treated, the required chemicals will be ordered on a more frequent basis.

All chemicals are stored indoors inside the bunded area of the treatment plant which is located several kilometres away from the nearest residential area and are stored 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.

A copy of the SESL assessment is submitted with the modification application.

It is anticipated that storage tanks will need to be replaced from time to time due to age / wear and tear and in order to address EPA requirements. This may result in the size, configuration and position of tanks within the treatment facility changing from that shown in the submitted plans and as described in **Table 2**.

5 Environmental Planning Considerations

5.4.7 Biodiversity

As noted in **Section 5.3.7**, 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 the LEP.

The proposed modifications in relation to treatment volumes within the existing treatment facility will not result in the removal of any trees.

The proposed changes have been assessed as unlikely to result in any traffic or acoustic/vibration impacts. Therefore, it is considered that the potential for the proposed modification to have impacts on biodiversity values is negligible.

Based on the above, it is considered that a Biodiversity Development Assessment Report (BDAR) is not required as the proposal will not increase the impact on biodiversity values.

6 Conclusion

This submission, accompanies an application under section 4.55(2) of the EP&A Act to modify development consent MP07-0048, as modified, for the Enviroking Liquid Waste Facility Project which is located at 843 John Renshaw Drive, Black Hill (the Site).

The s4.55 application relates to the “processing” limits of the existing facility and seeks 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.

The s4.55 application also seeks 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.

The modification will not substantially alter the approved development as it will remain a waste management facility with no expansion of the building footprint and only a minor increase in the number of vehicles required to access the site on any given day. Accordingly, is considered to satisfy the requirements pursuant to section 4.55(2) of the EP&A Act.

The proposal is considered to satisfactorily respond to the opportunities and constraints of the site and the relevant legislation, is unlikely to result in adverse impacts in the locality.

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