

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 25 January 2010, I approve the project referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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.

Richard Pearson
Deputy Director-General

Sydney

1 August 2010

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	MP07_0048
Applicant:	Enviroking Investments
Consent Authority:	Minister for Planning
Site:	843 John Renshaw Drive, Black Hill Lot 931 DP 816814
Development:	Expansion of an existing liquid waste treatment facility including an operational throughput increase from 5,000 tpa to 20,000 tpa and construction of a minor expansion to existing structures and upgrading the ventilation systems within the treatment building.

FOR INFORMATION

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP007_0048-Mod-1	11 May 2012	Executive Director, Major Projects Assessment	Construction of new concreted hardstand area with skillion roof and two colourbond awnings to the existing building
MP007_0048-Mod-2	12 October 2020	Director, Industry Assessments	Extension of the approved hours of operation
MP007_0048-Mod-3	23 September 2026	Director, Industry Assessments	Increase in waste processing throughput and operational hours, reconfiguration of the waste process, waste storage and the internal layout, minor additions to the processing building

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DEFINITIONS

Applicant	Enviroking Pty Ltd
BCA	Building Code of Australia
Council	Cessnock City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	NSW Department of Planning, Industry and Environment
DPIE Water	NSW Department of Planning, Industry and Environment – Water
EA	Environment Assessment titled “Hunter Valley Liquid Waste”, dated December 2009
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environmental Protection Authority
EPL	Environment Protection Licence
Evening	The period from 6pm to 10pm
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Liquid Waste	As defined in the <i>Waste Classification Guidelines (DECCW)</i>
Minister	Minister for Planning and Public Spaces
Modification Assessments	The documents assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a) Modification application (07_0048 MOD 1), accompanied by correspondence titled Section 75W Modification Project Application No 07_0048, Enviroking Liquid waste Facility, 843 John Renshaw Drive, Black Hill, prepared by Don Fox Planning and dated 9 March 2012; b) Modification application MP07_0048-Mod-2 and accompanying Modification Report ‘Section 4.55(1A) Modification Application – MP07_0048-MOD-2 Enviroking Liquid Waste Facility Project – 843 John Renshaw Drive, Black Hill’ prepared by dfp Planning Consultants and dated 11 September 2020; c) Modification application MP07_0048-Mod-3, accompanying Modification Report ‘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’, Revision 4, prepared by dfp Planning Consultants and dated 20 April 2023
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately owned land	Land that is not owned by a public agency
Project	The development as described in the EA
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Response to Submissions	The Proponent’s response to issues raised in submissions
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent’s commitments in Appendix 2
TfNSW	Transport for NSW

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SCHEDULE 2: ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

TERMS OF APPROVAL

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) response to submissions;
 - (c) statement of commitments;
 - (d) **Modification Assessments**; and
 - (e) conditions of this approval.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (f) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (g) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.
5. Prior to the commencement of construction, the Proponent must complete and submit a signed Environmental Protection License variation for the project to DECCW.

LIMITS OF APPROVAL

6. The Proponent shall not:
 - (a) process more than **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*.

Note:

1. 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. **A year for the purpose of annual accounting of waste processing permitted under Condition 6, is defined as the 12 month period between January and December.**

7. All waste water is to be stored in the approved storage areas and there is to be no irrigation of waste water on the project site or at any other location other than an appropriately licensed facility, or at a location approved for land application of waste.

Note: Should the Proponent wish to seek approval for land application of liquid or solid waste and associated activities outside the project site, the Proponent must ensure that a separate application and environmental assessment of the likely impacts of waste irrigation and land application activities occurring outside the project site is undertaken in consultation with DECCW and in accordance with the relevant planning and environmental legislative requirements (such as the requirement for an EPL).

EXISTING DEVELOPMENT CONSENTS AND RIGHTS

8. The Proponent shall surrender all existing development consents in accordance with Clause 97 of the EP&A Regulation for the land referred to in Schedule 1, within 12 months of this approval.

STRUCTURAL ADEQUACY

9. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes: Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

PROTECTION OF PUBLIC INFRASTRUCTURE

10. The Proponent shall:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

OPERATION OF PLANT AND EQUIPMENT

11. The Proponent shall ensure that all plant and equipment used on site is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

OPERATION OF ACTIVITIES

12. The Proponent shall ensure that all activities associated with the project are carried out in a competent manner including:
- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

MANAGEMENT PLANS/MONITORING PROGRAMS

13. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

Hunter Water Corporation

14. **Following the determination of Modification 3 (MP07_0048-Mod-3), the Applicant must not receive more than 20,000 tonnes per year of waste, prior to receiving a Compliance Certificate issued under Section 50 of the Hunter Water Act 1991 in relation to the development, as modified.**

SCHEDULE 3: ENVIRONMENTAL CONDITIONS

WASTE

Limits on inputs

1. The Proponent must not receive any waste on site that is:
 - a) contaminated by chemicals and/or pathogens that would not be rendered harmless by operations on site, or that may constitute a health or environmental risk, including clinical and related waste and diseased carcasses; and
 - b) not authorised by an EPL.

Waste screening and acceptance

2. The Proponent must:
 - a) implement auditable procedures to:
 - ensure that the site does not accept wastes that are prohibited; and
 - screen incoming waste loads; and
 - b) ensure that:
 - all waste sludges and wastes that are controlled under a tracking system have the appropriate documentation prior to acceptance at the site; and
 - staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste.

Limits on outputs

3. Prior to disposal, the Proponent shall ensure that any waste generated on the site during construction and operation of the project is:
 - a) classified in accordance with DECCW's Waste Classification Guidelines; and
 - b) stored on-site in a manner that minimises contaminated material from migrating off-site.

Waste management

4. The Proponent must ensure that the surfaces of all areas used to store, receive, treat and process waste are comprised of hardstand surfaces.

4A. All waste must be stored in a manner that prevents combining with or infiltration of rainwater as far as reasonably practicable.

5. All containers used to store treated or unprocessed waste must be:
 - a) contained within an impervious bunded area that contains 110 percent of the largest container contained within the bund; and
 - b) maintained in a manner which prevents rainwater ingress and precipitation entering into any container.
6. The Proponent must prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - a) be submitted to the Director-General within six (6) months of this approval;
 - b) identify the types and quantities of waste that would be generated during operation, and the standards and performance measures for managing this waste;
 - c) include a waste monitoring program to monitor the quality, type and source of waste received on site and generated by the project;
 - d) outline measures to minimise the production and impact of all wastes generated by the project, including details of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with DECCW's guidelines on the *Assessment, Classification & Management of Liquid and Non-Liquid Waste*;
 - e) describe how the effectiveness of these actions and measures would be monitored over time;
 - f) include a pest and vermin control plan; and
 - g) describe what procedures would be followed if any non-compliance with this condition is detected.

SOIL AND WATER

Discharge Limits

7. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Management

8. Prior to the commencement of construction of the project, the Proponent shall ensure that stormwater from all areas of the site which have the potential to mobilise sediments and other material, is diverted and controlled using appropriate erosion and sediment control measures or structures. The controls must:
 - (a) be consistent with the requirements of Landcom's (2004) *Managing Urban Stormwater: Soils and Construction*;
 - (b) manage activities that could cause soil erosion and generate sediment;
 - (c) minimise soil erosion and the transport of sediment to downstream waters; and
 - (d) be maintained during construction.

AIR QUALITY

9. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.
10. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the *Protection of the Environment Operations Act, 1997* provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence at minimising odour.

11. Prior to the commencement of the Project's operations on site, the Proponent shall:
 - a) install an additional hood and stack ventilation system on the right-hand side of the treatment building as indicated on the site plans and building elevations in Appendix 1 of this approval; and
 - b) ensure that the stack discharges must be a minimum of 2 metres above the roof ridge and the stack exit velocity at least 10 metres per second.

NOISE

12. The Proponent shall ensure that noise generated by the project complies with the noise criteria in DECCW's Environment Protection Licence for the project.

12A. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 1.

Table 1: Noise Limits (dB(A))

Location	Night LA _{eq} (15 minute)	Night LA _{Max}
All residential receivers	38	50

Note: Noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry. Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

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

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
Processing	Monday – Friday	4:00am to 5:00pm
	Saturday	6:00am to 12:00pm

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	Sunday and Public Holidays	Nil
Receival and offtake	Monday – Saturday	Midnight to 6 pm
	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.

TRAFFIC AND TRANSPORT

14. The Proponent shall ensure that:
 - a) all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage; and
 - b) that the project does not result in any vehicles queuing on the public road network.
15. The Proponent must ensure that all vehicular access to and from the site is via the existing transport route along John Renshaw Drive.

SAFETY AND RISK MANAGEMENT

16. The Proponent shall prepare and implement an Emergency & Fire Response Plan for the site within 6 months of the date of this approval. This plan shall be prepared and implemented to the satisfaction of the Director-General, kept on site by the licensee and include:
 - a) measures to minimise the risk of spills, fires or explosions on site;
 - b) procedures to extinguish any fires on site promptly;
 - c) measures to maintain adequate fire-fighting capacity on site;
 - d) detail of emergency evacuation procedures; and
 - e) plans to update the approved Emergency Response Plan regularly to include procedures to deal with all types of incidents on-site and off-site (during waste transportation) which are likely to cause harm to the environment.

Note: The designated Licensee of the site must keep and regularly update the emergency response plan with Procedures to deal with all types of incidents (e.g. spills, explosions and fires) that may occur on or outside the Premises.

Bunding

17. All chemicals, fuels and oils shall be stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:
 - a) requirements of all relevant Australian Standards; and
 - b) DECCW's Storing and Handling Liquids: Environmental Protection manual.

SCHEDULE 4: ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING ENVIRONMENTAL

MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. The Strategy must:
 - a) be submitted to the Director-General for approval within 6 months of the date of this approval;
 - b) provide the strategic framework for environmental management of the project;
 - c) identify the statutory approvals that apply to the project;
 - d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - e) include procedures for regular testing of output waste materials to check for contamination prior to disposal;
 - f) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - g) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring currently being carried out within the project area.

INCIDENT REPORTING

2. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
3. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
 - (a) describes the date, time, and nature of the exceedance/incident;
 - (b) identifies the cause (or likely cause) of the exceedance/incident;
 - (c) describes what action has been taken to date; and
 - (d) describes the proposed measures to address the exceedance/incident.

INDEPENDENT ENVIRONMENTAL AUDIT

4. Within 2 years of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) assess the environmental performance of the project, and its effects on the surrounding environment;
 - (c) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
 - (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
5. Within 3 months of submitting the audit report to the Director-General, the Proponent shall review and if necessary revise the strategies/plans/programs required under this approval, to the satisfaction of the Director-General.

APPENDIX 1 SITE PLAN AND BUILDING ELEVATIONS

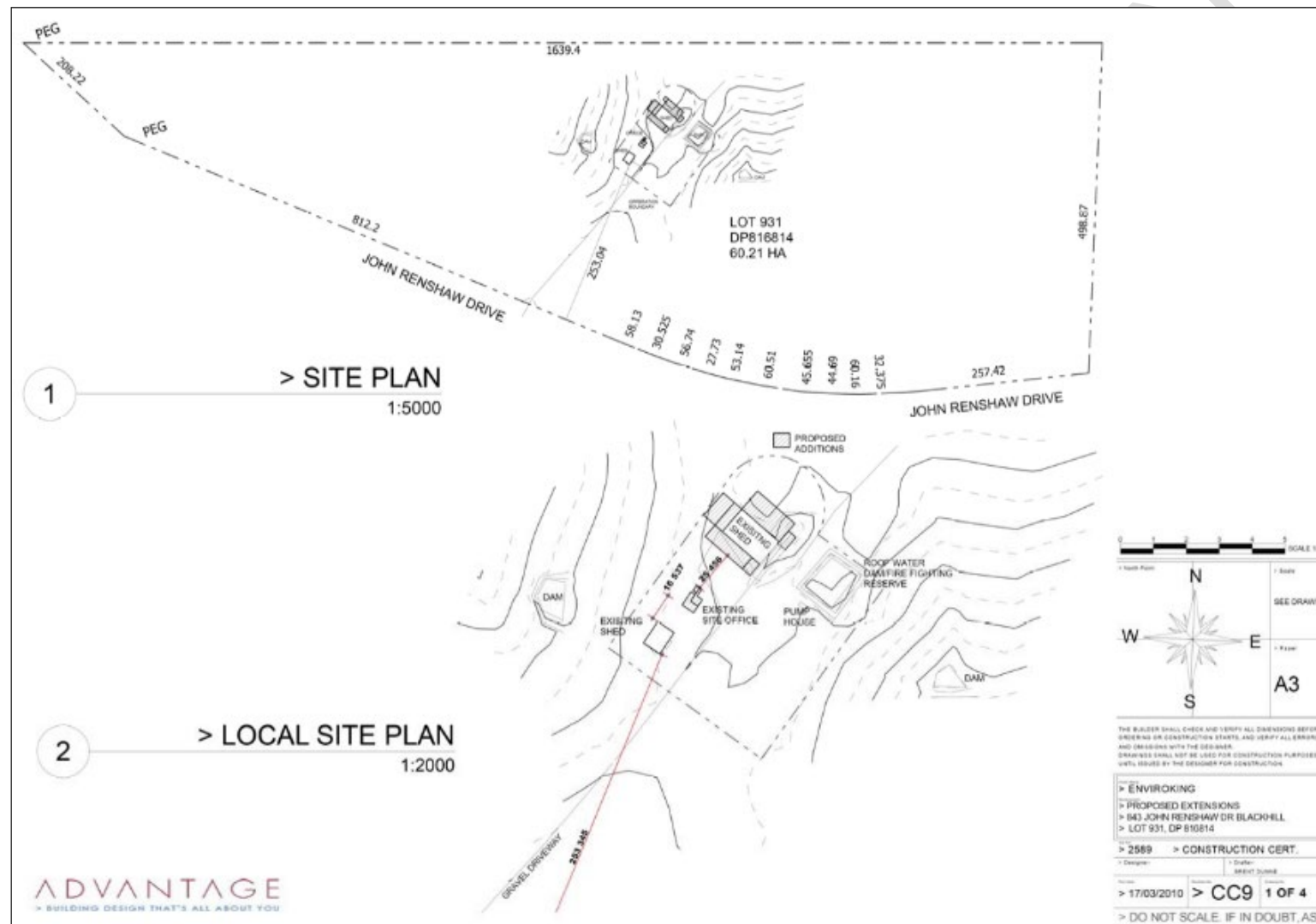


Figure 1 Site Plan

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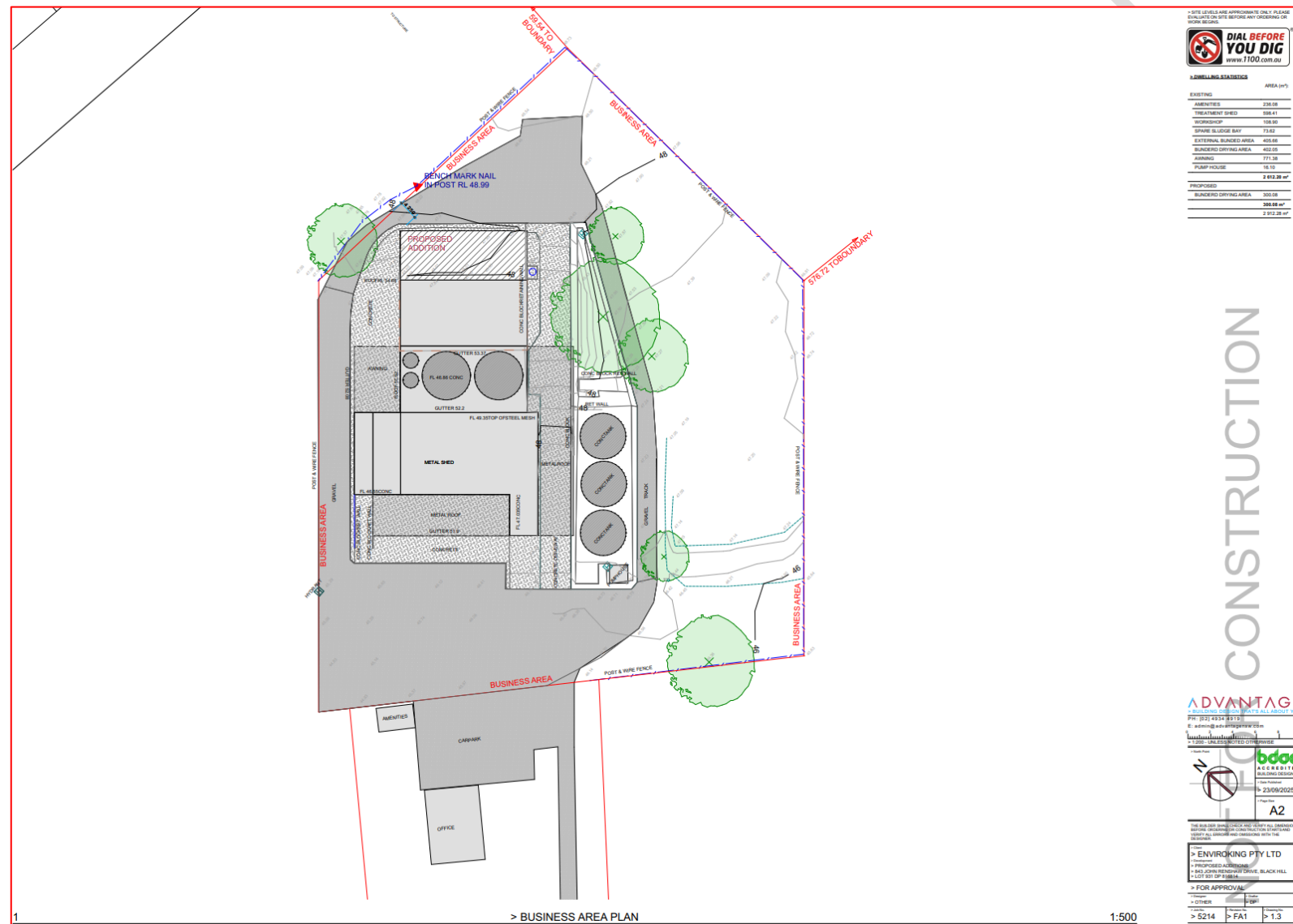


Figure 2 Operational Area Layout Plan

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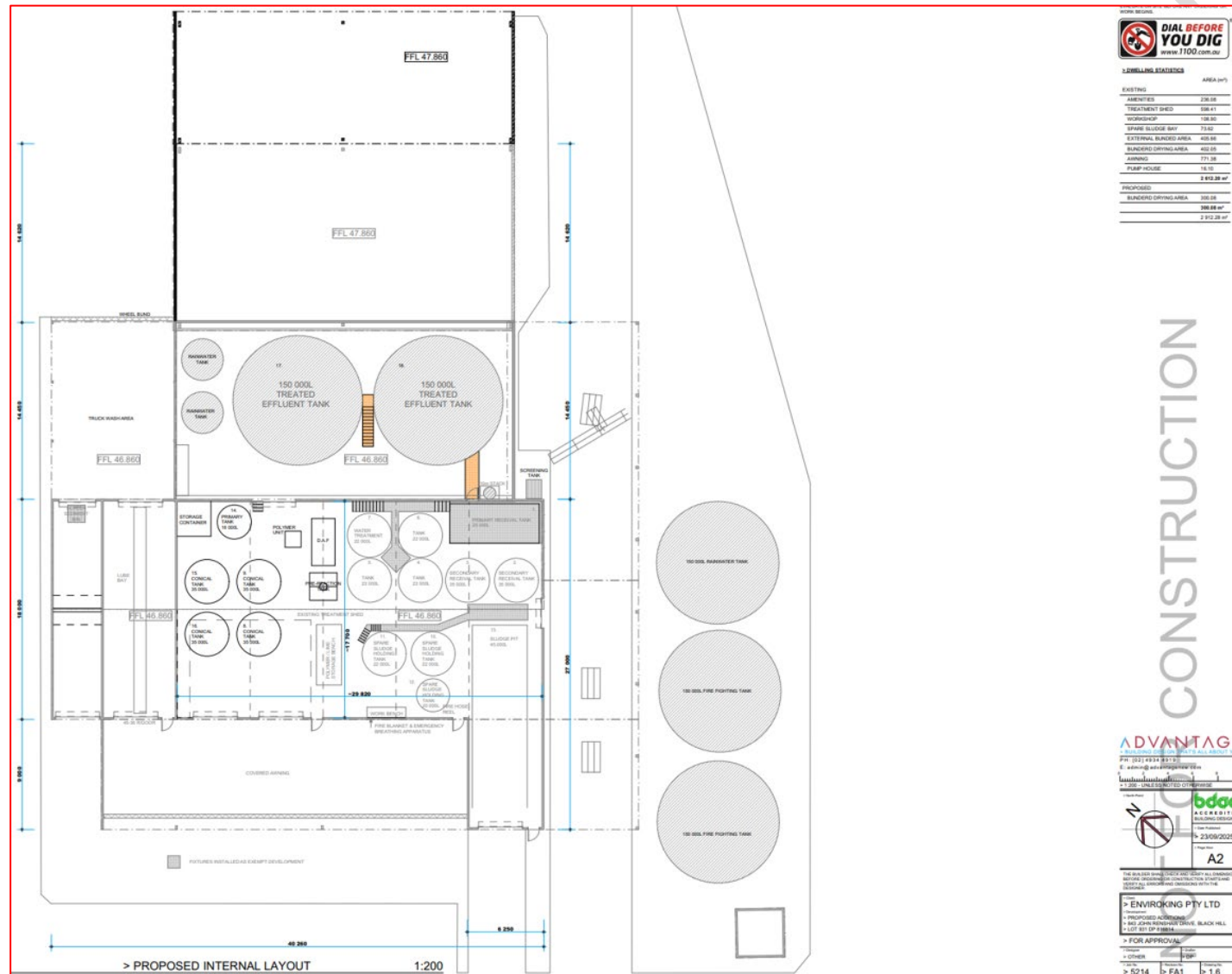


Figure 3 Floor Plan

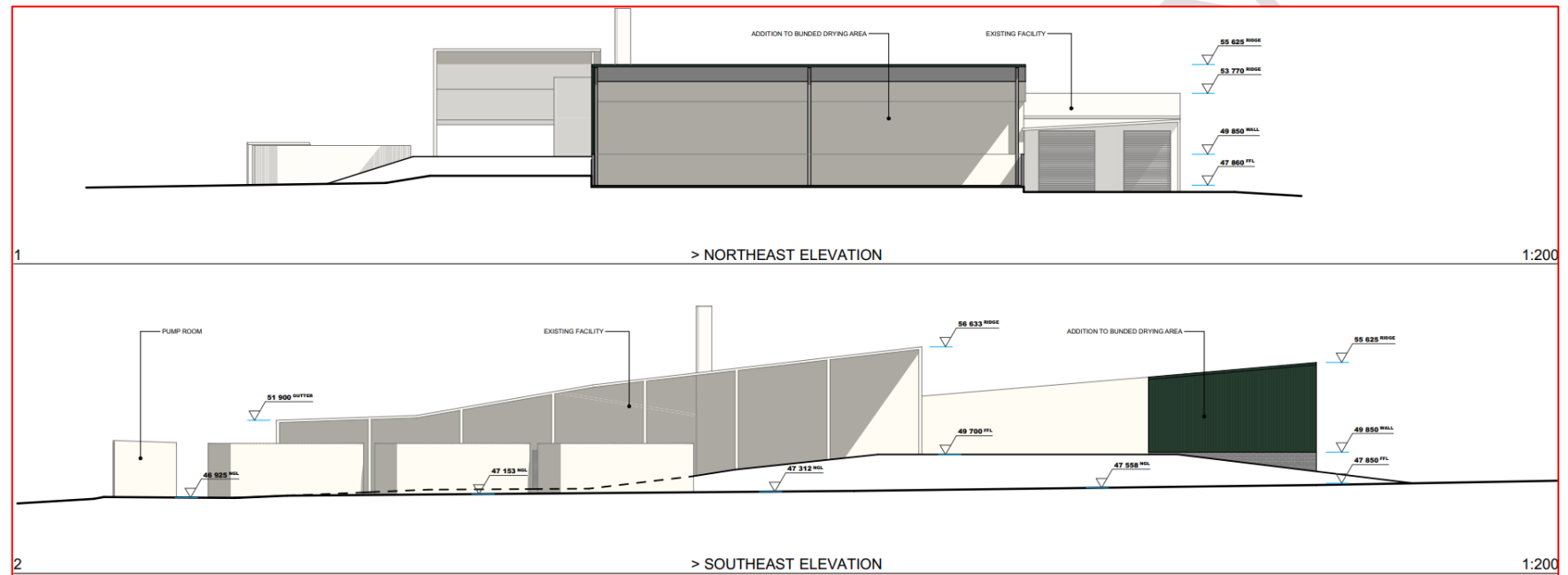


Figure 4 Elevations 1 and 2

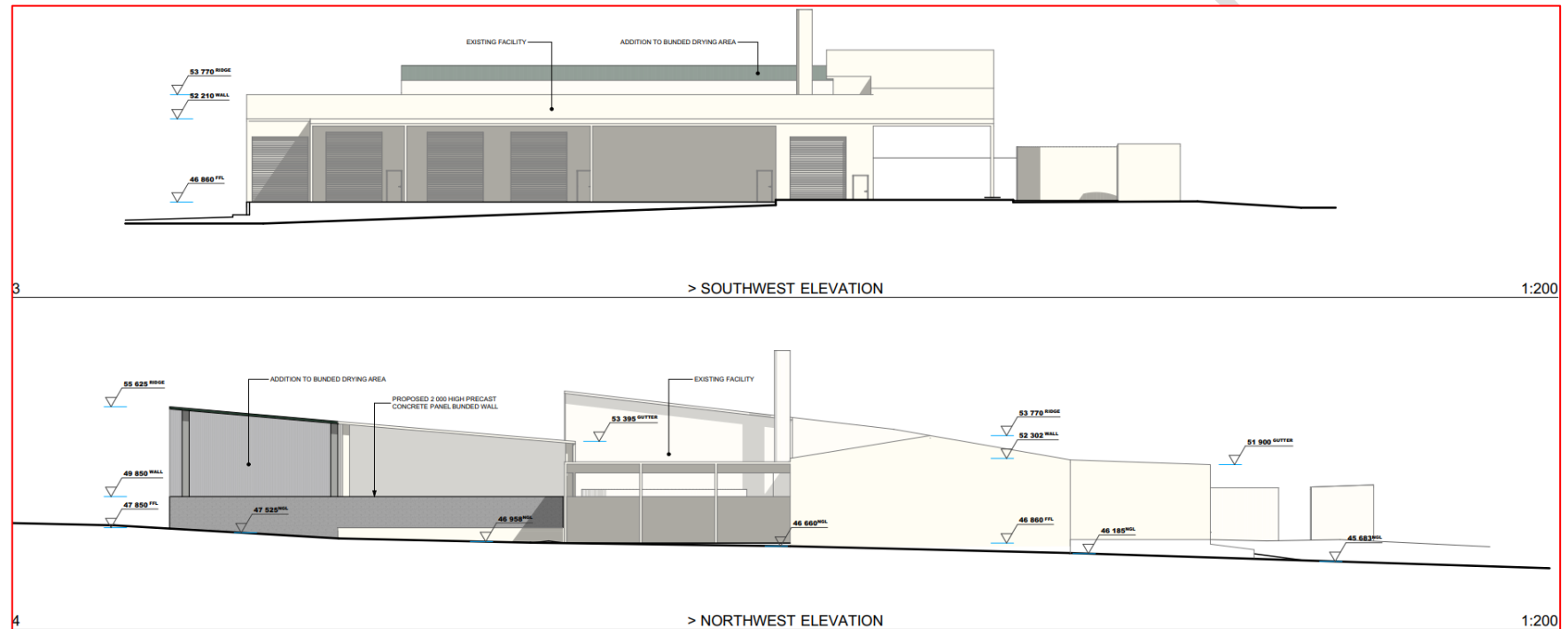


Figure 5 Elevations 3 and 4

APPENDIX 2 STATEMENT OF COMMITMENTS

Enviroking – Hunter Valley Liquid Waste Statement of Commitments

The following table sets out potential impacts and the relevant ameliorative measures and or environmental safeguards.

Impact	Nature of Impact	Ameliorative measures /environmental safeguards
Licensing	Regulatory	Enviroking will obtain and maintain the necessary licences from EPA and other relevant authorities
Bunded Drying Storage Area	Rainwater ingress	The bunded drying storage area will be covered with an open sided roof.
Hardstand area	Risk of pollution	The hardstand loading and unloading areas will be sealed.
Contamination	Oily wastes contaminating grease trap wastes	Enviroking will ensure oily waters are delivered into the appropriate tanks
		Enviroking will wash out vehicles carrying oily wastes prior to carrying grease trap wastes
		Enviroking will ensure no cross connection of oily waters and grease trap waste systems until all waters have received final treatment
	Contaminated input GTW material	Enviroking will undertake testing of new waste sources. Undertakings from clients as to sources of waste will be obtained
	Treated waste analysis	Enviroking will test samples of treated waste for specified contaminants
Spillages	Potential spills from unloading or treatment operations	Enviroking will ensure unloading areas and tanks are bunded to ensure spillages are contained
Wet weather	Inability to apply treated waste products to disposal areas	Enviroking will ensure that the treatment plant has capacity to store 5 days treated waste, after which waste will be transported to Hunter Water STP, or will divert liquids to alternative treatment facilities.
Application rates	Excessive application of treated waste	Enviroking will ensure that soil nutrient and potential contamination levels are checked before and after utilisation and will not conduct operations on excessively wet soils.
	Management of nutrient loading	Enviroking will calculate the application rate using the methods set out in the EMP Section 3.3
Cumulative impacts	Long term accumulation of contaminants or other chemicals, including nutrients	Enviroking will ensure that soil nutrient and potential contamination levels are checked before and after utilisation.

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Impact	Nature of Impact	Ameliorative measures /environmental safeguards
Water bodies	Groundwater or surface water contamination	Enviroking will ensure that treated wastes are not applied unless the regional groundwater level is below 3 metres from the surface and not within specified buffer distances from water bodies (see EMP Section 3.5).
		Enviroking will select farms where odour impact is likely to be minimal having regard for proximity to roads and dwellings
Health	Risks to human and animal health	Enviroking will advise farmers of restricted periods after application for animals and root vegetables (see EMP Section 3.6.3).
Farming practice	Use of suitable crops	Enviroking will work with farmers to ensure suitable crops which are responsive to fertilisers
Administration	Environmental Management Plan	Enviroking will ensure that the EMP is kept up to date with relevant information and distributed to registered holders
Record keeping	Transport certificates	Enviroking will maintain records of all incoming wastes transported as required under licence conditions
		Enviroking will also maintain records of outgoing loads listing: Date and time Truck and driver Property name and paddock
	Application records	Enviroking will provide copies records of applications to farmers
Suitability of farms and soils	Soil testing	Enviroking will undertake pre-and post-application agronomic testing to ensure soils are suitable and to prevent over-application
	Selection of properties	Enviroking will select properties based on criteria set out in the EMP Section 3.6.1

APPENDIX 3 LOCATION OF RESIDENTIAL RECEIVERS

