Yennora Liquid Waste Treatment Plant

State Significant Development Assessment SSD-10407

November 2021

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHD	Australian Height Datum
Applicant	Enviro Waste Services Group Pty Ltd
BCA	Building Code of Australia
BCD	Biodiversity Conservation Division
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
Council	Cumberland City Council
DA	Development Application
Department	Department of Planning, Industry and Environment
Demolition	The removal of buildings, sheds and other structures on the site
Development	The development as described in the EIS and RTS for Yennora Liquid Waste Treatment Plant
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement titled *Enviro Waste Services Group Pty Ltd 14 - 16 Kiora Crescent Yennora NSW*, prepared by Benbow Environmental Pty Ltd dated November 2020, submitted with the application for consent for the development
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Cth)
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW

Abbreviation	Definition
Industrial Liquid Waste	Liquid wastes from industrial sources, including Waste Oil (J120), Surfactants (M250), Grease trap waste (K110), Sewage sludge and stormwater (K130), and Landfill leachate (N205), as described in the EIS
LEP	Local Environmental Plan
Liquid Food Waste	Waste consumable liquids such as juices and soft drinks (but not including dairy products), including out-of-date liquids, as described in the EIS
Liquid Product Waste	Waste liquid products such as shampoos, soaps etc., including out-of-date liquids, as described in the EIS
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RTS	Response to Submissions titled *Enviro Waste Services Group Pty Ltd 14 - 16 Kiora Crescent Yennora NSW*, prepared by Benbow Environmental Pty Ltd dated February 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

Introduction

Enviro Waste Services Group Pty Ltd (the Applicant) proposes to expand and operate an existing waste facility at 14 – 16 Kiora Crescent (the site), Yennora that predominantly receives and processes liquid waste. This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development application (SSD-10407) for the Yennora Liquid Waste Treatment Plant in the Cumberland local government area (LGA).

The Development

The proposed development (the development) comprises two components, being:

- expansion and continued operation of an existing liquid waste treatment plant (LWTP) at 14 Kiora Crescent, receiving 100,000 tonnes per annum (tpa) of industrial liquid waste; and
- operation of a waste processing facility (WPF) at 16 Kiora Crescent, receiving 10,000 tpa of liquid product waste, liquid food waste, makeup, shoes, and clothes.

The Applicant is a family owned business which has been operating a LWTP at 14 Kiora Crescent, Yennora since 2013 under a development consent granted by Cumberland City Council (Council) which allows the processing of up to 900 tpa of industrial liquid waste. However, the LWTP has been operating with a significantly higher throughput for several years and currently processes approximately 40,000 tpa. The site of the WPF at 16 Kiora Crescent was previously operated by the Applicant as a waste facility without consent.

The development has a capital investment value of $404,992 and would generate 5 operational jobs.

The site is located 22 kilometres (km) west of the Sydney CBD and covers approximately 1,688 metres squared (m^2) of IN1 zoned land under the Holroyd Local Environmental Plan. The nearest residential receivers are located in Yennora, approximately 330 metres (m) east of the site and Yennora Public School is located 335 m to the south east.

Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a liquid waste treatment facility that meets the criteria in Clause 23(6)(b) of Schedule 3 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development under section 4.5(1) of the EP&A Act.

Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from 13 November 2020 until 10 December 2020. During the exhibition period, the Department received 3 submissions (1 public and 2 special interest groups) and advice from 7 government agencies, including Council.

Key issues raised in public submissions related to traffic and odour. Concerns raised in the government agency advice related to access, stormwater and odour. The Department required the Applicant to address the matters raised in submissions and government authority advice in a Response to Submissions (RTS) report.

The RTS included a revised odour assessment and updated swept path diagrams for internal heavy vehicle movements. Council and the Department were not satisfied with the swept path diagrams and additional information was submitted to address issues with site access and parking. Following reviews of the additional information, government agencies, including Council, recommended conditions for the development.

Assessment

The Department's assessment of the application has considered all relevant matters under section 4.15 of the EP&A Act, including the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are traffic and access and site and operational capacity.

Traffic and Access

The development would generate up to 38 heavy vehicle trips per day, which could be adequately accommodated on the road network without any impact on the level of service (LoS) at any of the key intersections. The Department's assessment concluded that site access would be satisfactory and that vehicles could enter and exit the site in a forward direction without crossing onto the footpath or nature strip. Council agreed the proposed movements would be acceptable.

Information was provided by the Applicant to demonstrate that all heavy vehicles could be parked within the site. However, as this on site parking would potentially impact on operations and off-site parking is the preferred option, the Department has recommended a condition requiring the preparation of a Parking Strategy to manage the effects of the interim on site parking arrangements on operations, with later updates of the Parking Strategy required when permanent off-site parking arrangements have been finalised.

Site and Operational Capacity

The Department had concerns about the ability of the LWTP to handle a substantially increased liquid waste throughput, given its size, access constraints and proposed design. The Applicant provided information demonstrating the operational processes and the capacity of the tanks could handle the proposed additional throughput. The EPA had no comments on the general waste management aspects of the development, however provided recommended conditions relating to waste types to be received and the processing limits. The Department's recommended conditions included an operational Waste Management Plan with a contingency plan to ensure waste is managed appropriately during disruption to regular operations.

Conclusion

Overall, the Department's assessment has concluded the development would have minimal impacts and the recommended conditions would ensure the development is managed to minimise residual risks to the environment.

The development would increase the liquid waste treatment capacity in Sydney, diverting waste from landfill and would contribute to the NSW Government's waste recycling targets. The development optimises the use of existing industrial land and would generate employment opportunities, consistent with local planning strategies for the Cumberland LGA.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

Contents

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development application (SSD-10407) for the Yennora Liquid Waste Treatment Plant at 14-16 Kiora Crescent, Yennora (the site) in the Cumberland local government area (LGA) (see **Figure 1**).

The proposed development (the development) comprises two components, being:

- expansion and continued operation of an existing liquid waste treatment plant (LWTP) at 14 Kiora Crescent; and
- operation of a waste processing facility (WPF) to process liquid product waste and liquid food waste, makeup, shoes, and clothes at 16 Kiora Crescent.

The development also incorporates the regularisation of unauthorised structures and works at both 14 and 16 Kiora Crescent.

The Department's assessment has considered all documentation submitted by Enviro Waste Services Group Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS) and supplementary information, submissions received from the public and advice from government agencies. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the application for the Yennora Liquid Waste Treatment Plant has concluded the development is in the public interest and should be approved, subject to conditions.

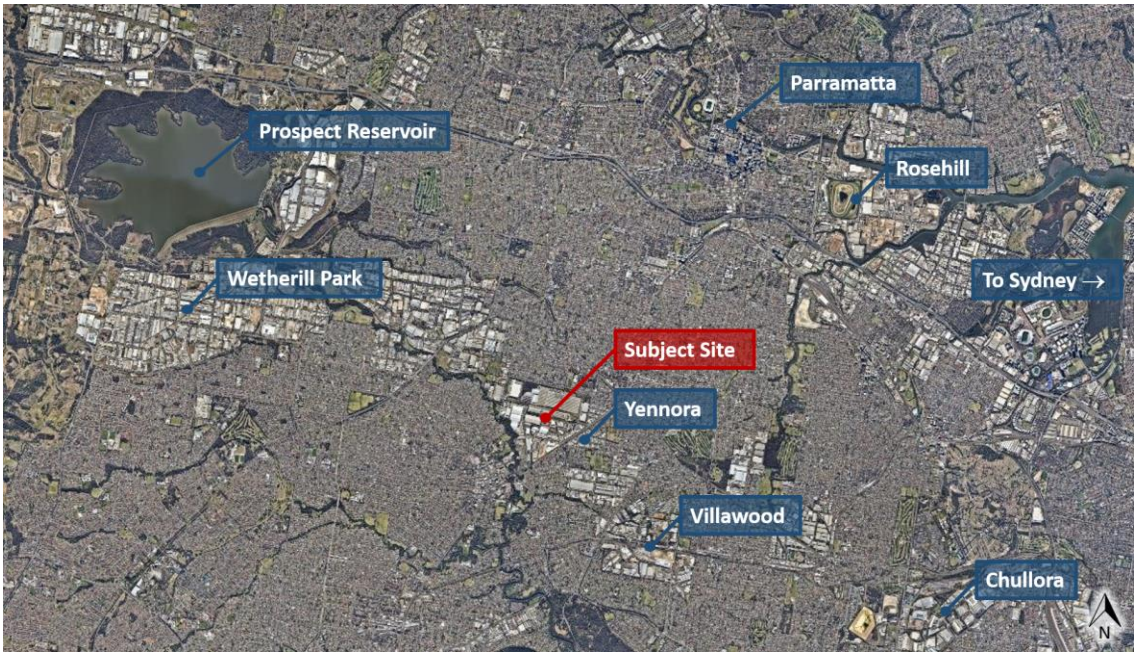

Figure 1 | Regional Context

1.2 Development Background

The Applicant is a family owned business which has been operating an LWTP at 14 Kiora Crescent, Yennora since 2013. The LWTP currently operates under a development consent granted by Cumberland City Council (Council) which allows the processing of up to 900 tpa of liquid waste, including grease trap waste (K110) and sewage sludge and stormwater (K130), and storage of up to 110 tonnes (t) of waste at any one time (DA 2013/351). However, the LWTP has been operating with a significantly higher throughput for several years and currently processes approximately 40,000 tpa.

The site of the WPF at 16 Kiora Crescent was previously operated by the Applicant as a waste facility without consent.

1.3 Site Description

The site comprises 1,688 metres square (m^2) of IN1 zoned land located at 14-16 Kiora Crescent, Yennora. The site is legally described as Lots 49 and 50 in DP 18211. The site is located at the end of Kiora Crescent, a cul-de-sac and access is provided via two driveways (one entry, one exit) off Kiora Crescent (see **Figure 2**).

Figure 2 | Local Context

The site at 14 Kiora Crescent includes a single storey cinder block building containing 13 liquid waste tanks with a total storage capacity of 306 t, office and amenities. The liquid waste building is approximately 7.5 metres (m) high with a total gross floor area (GFA) of 456.7 m^2. The tanks vent to a biotrickling filter which is exhausted through a 6 m stack on top of the building. Several tanks and the biotrickling filter have been installed without consent.

The site at 16 Kiora Crescent comprises a single storey brick warehouse and a metal shed. Stormwater infrastructure, a shredder and conveyor have been installed without consent.

The site is relatively flat with a slight slope towards Kiora Crescent. The site is fully sealed with concrete hardstand except for a small area under a demountable building which is proposed to be sealed as part of minor construction works associated with the development.

1.4 Surrounding Land Uses

The site is immediately adjoined by industrial receivers (to the south east, west and north west) including freight and logistics, vehicle repairs and industrial retail outlets (see **Figure 2**). Horsley Drive is located approximately one kilometre (km) to the south west of the site and Fairfield Road is approximately 500 m to the west. Loftus Road is located 250 m to the north of the site.

The T5 – Leppington railway line is located 325 m to the south east of the site. The nearest residential receivers are located in Yennora, approximately 330 m east of the site across the railway line on the southern part of Railway Street. Yennora Public School is located 335 m to the south east of the site and Prospect Creek is located 735 m to the south west.

1.5 Other Approvals

1.5.1 14 Kiora Crescent

The Applicant currently operates a LWTP at 14 Kiora Crescent under a council consent (DA 2013/351) which permitted alterations to existing industrial premises for a LWTP. DA 2013/351 limits the Applicant to processing no more than 900 tpa of waste and storing no more than 100 tpa of waste at any one time. The site also has an Environment Protection Licence (EPL 20444) from the Environment Protection Authority (EPA) to receive and process liquid waste at any processing capacity.

1.5.2 16 Kiora Crescent

The site at 16 Kiora Crescent does not have an approval to operate as a WPF. 16 Kiora Crescent has a building certificate for a 32 m^2 prefabricated and non-habitable “display” unit. In April 2020, the EPA advised the Department that a site inspection had identified the unlawful use of 16 Kiora Crescent as a WPF. The Applicant has since ceased operating at 16 Kiora Crescent.

2 Development

2.1 Description of the Development

The major components of the development are summarised in **Table 1** and shown in **Figure 3**, and described in full in the EIS, RTS and additional information included in **Appendix B**.

Table 1 | Main Components of the Development

Aspect	Proposed
Development Summary	• Expansion of an existing industrial liquid waste treatment facility to receive and process up to 100,000 tpa of industrial liquid waste and the operation of a waste processing facility to receive and transfer up to 10,000 tpa of liquid product and liquid food waste, makeup, shoes and clothes
Site area	• 1,688 m^2

Demolition and construction	• Approval for previous removal of:
	  ○ Metal shed fronting 14 Kiora Crescent
	  ○ Demountable structure at 16 Kiora Crescent and construction of new hardstand at that location
	• Replacement of 3 x liquid waste storage tanks with larger tanks
	• Approval for previous installation of:
	  ○ Biotrickling filter
	  ○ Internal and external bunding
	  ○ Shredder and conveyor at 16 Kiora Crescent
	• Installation of 3 x rainwater tanks

Waste Materials	• Industrial liquid waste:
	  ○ Waste Oil (J120)
	  ○ Surfactants (M250)
	  ○ Grease trap waste (K110)
	  ○ Sewage sludge and stormwater (K130)
	  ○ Landfill leachate (N205)
	• Other liquid waste:
	  ○ Liquid product e.g. shampoo, soap
	  ○ Liquid food waste e.g. orange juice
	• Other waste:
	  ○ Shoes, clothes, makeup

Waste processing and storage capacity	• Total processing capacity of 110,000 tpa comprising of:
	  ○ 100,000 tpa of industrial liquid waste
	  ○ 10,000 tpa of liquid product waste, liquid food waste, shoes, clothes and makeup
	• Storage capacity of 477 t comprising of:
	  ○ 377 t of liquid waste (industrial liquid waste and liquid product waste) at any one time at the LWTP
	  ○ 100 t of combined liquid product, liquid food waste, shoes, clothes and makeup at any one time at the WPF

Aspect	Proposed
Traffic	• 14 light vehicle movements per day (7 vehicles in total) • 76 heavy vehicle movements per day (38 vehicles in total).
Parking	• 7 carparking spaces adjacent to the waste processing building • Heavy vehicle waiting area for up to two 10 m rigid vehicles
Hours of Operation	• 24 hours per day, seven days per week.
CIV	• $404,992
Employment	• 5 FTE (operation)

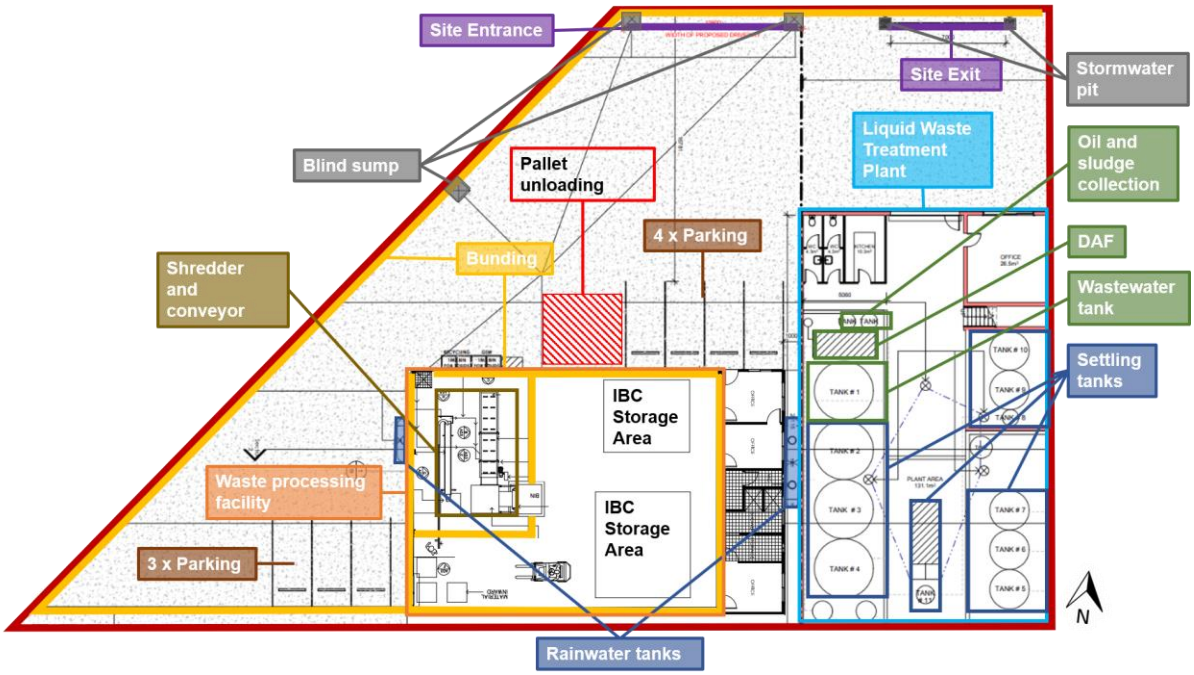

Figure 3 | Site Layout

2.2 Process Description

2.2.1 Liquid Waste Treatment Plant

A process flow diagram for the liquid waste treatment plant is provided in **Figure 4**. Approximately 101,100 tpa of liquid waste (100,000 tpa industrial liquid waste + 1,100 tpa of liquid product waste) would be processed at the LWTP.

Industrial liquid waste would be delivered to the recycling facility via specialised vacuum heavy vehicles which have a tank and pump. The heavy vehicles reverse into the unloading area located inside the building at 14 Kiora Crescent. The heavy vehicles would connect to a liquid waste storage tank and industrial liquid waste would be pumped into the storage tank via a primary waste filtration box to remove any solids. Waste oil (J120) and sewage sludge and stormwater (K130) would then be pumped through a screw separator filter and a series of settling tanks which use sedimentation to remove solids. Landfill leachate (N205) and surfactants (M250) would be pumped directly to the settling tanks.

Liquid product waste from 16 Kiora Crescent would be pumped directly into tanks for filtering and settling.

Once water has been filtered and the settling process is complete, liquid waste would be pumped into Tank 1 which collects all wastewater to be sent to the dissolved air flotation (DAF) unit to separate any solids or oils from the water. The water from the DAF (approximately 80,000 tpa) would be discharged via a Trade Waste Agreement (TWA) with Sydney Water.

Oil and sludge from the DAF would be pumped into smaller storage tanks (Tanks 12 and 13) before being removed from the site by a licensed contractor to be processed as grease trap waste. Approximately 9 t of oil and sludge would be collected daily.

Grease Trap Waste (K110) would be separated into solid and liquid components. The solid component (identified as general solid waste (GSW) in **Figure 4**) along with waste from filters would be manually transferred to a storage bin for transfer to a licensed landfill once full. Approximately 46 t of sludge and filter waste would be collected and removed each day.

2.2.2 Waste Processing Facility

A process flow diagram for the waste processing facility is provided in **Figure 5**.

Liquid Product / Liquid Food Waste

Pallets of packaged out-of-date liquid product waste and liquid food waste would be delivered to the site and unloaded in the external area outside the building at 16 Kiora Crescent (see **Figure 3**).

The packaged liquid product and liquid food waste would be transferred inside the building by forklift and then fed onto a conveyor. A specialist shredder would be used to shred the packaging (e.g. plastic) while capturing liquid in vessels below. The liquid would be held in intermediate bulk containers (IBCs) each with a capacity of 1,000 litres (L).

Approximately 1,100 tpa of the liquid products (e.g. shampoos and soaps) captured at 16 Kiora Crescent would be transferred to the LWTP for further processing. An average of 3 IBCs per day would be moved using a forklift to 14 Kiora Crescent.

IBCs containing liquid food waste would be stored at 16 Kiora Crescent and then transferred off-site to be used in irrigation practices for agricultural properties/farmlands under the liquid food waste order (approximately 4,600 tpa).

Makeup, clothes and shoes

Approximately 450 tpa of makeup clothes and shoes would be received for product destruction. Makeup, clothes and shoes would be manually sorted and packaging, such as cardboard boxes, would be removed and placed in a bin for recycling. Makeup product would be emptied into a solid waste bin and any empty containers sorted for recycling. Clothes and shoes would either be torn up for rags for recycling or shredded. Shredded material and material from the solid waste bin would be sent to landfill.

Approximately 4,200 tpa of packaging from the WPF (plastic, cardboard, aluminium, steel, rags, glass and timber) would be collected and sent offsite for recycling. 100 tpa of non-recyclable material would go to landfill.

2.3 Applicant's Need and Justification for the Development

The Applicant proposes to expand the processing capacity of the existing liquid waste facility to meet market demand for its services. In particular, the Applicant has referenced increased incidence of storms and flooding resulting in additional volumes of stormwater to treat, growth in housing in certain areas which rely on septic systems resulting in increasing volumes of sewage and infrastructure delivery in Sydney, including tunnelling, which also results in liquid waste being generated.

The Applicant has also identified the need for additional liquid waste management capacity due to the closure of other liquid waste treatment facilities. The Applicant maintains its existing waste limits mean it is currently unable to accept some deliveries, with existing customers wishing to significantly increase their deliveries.

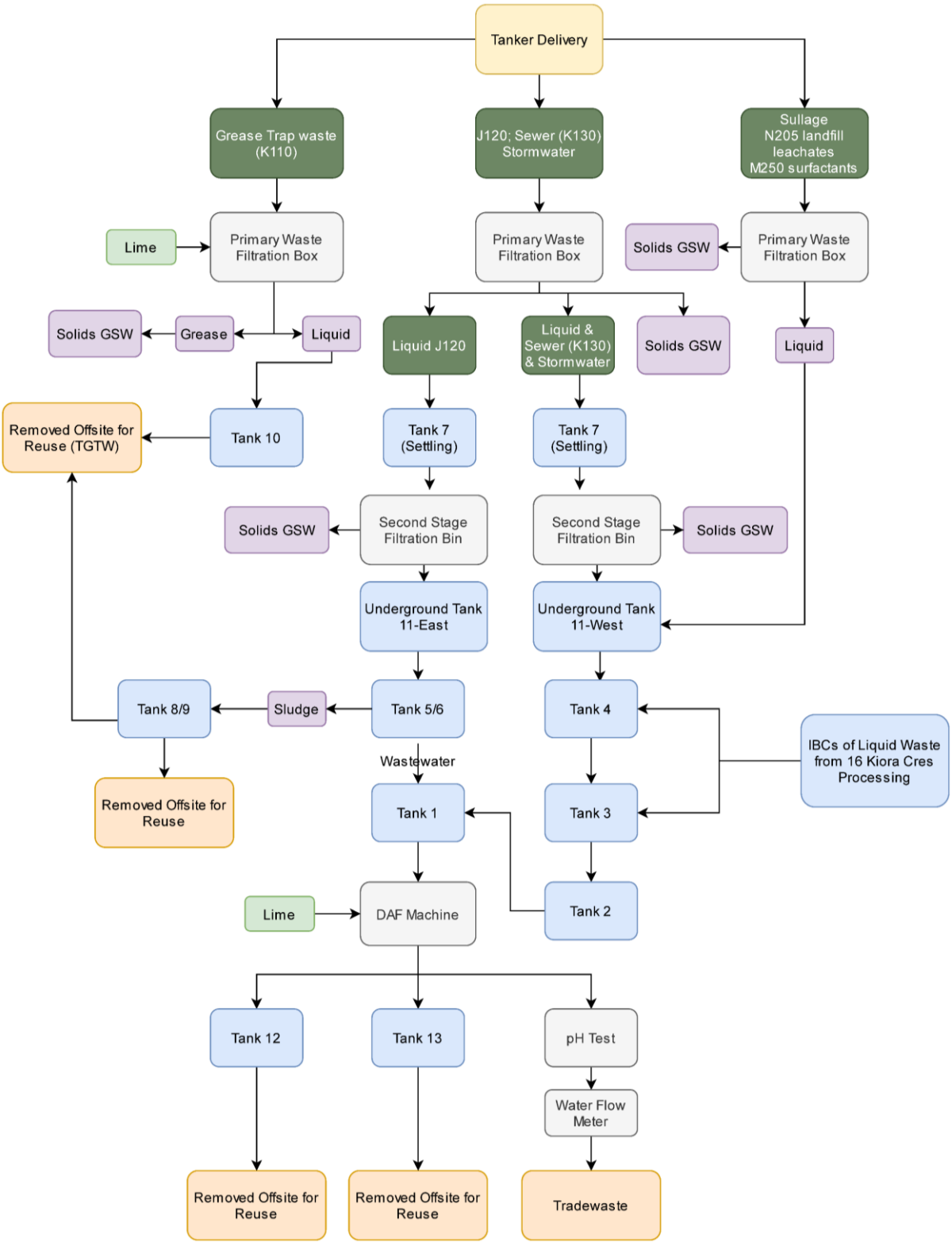

Figure 4 | Process diagram for LWTP

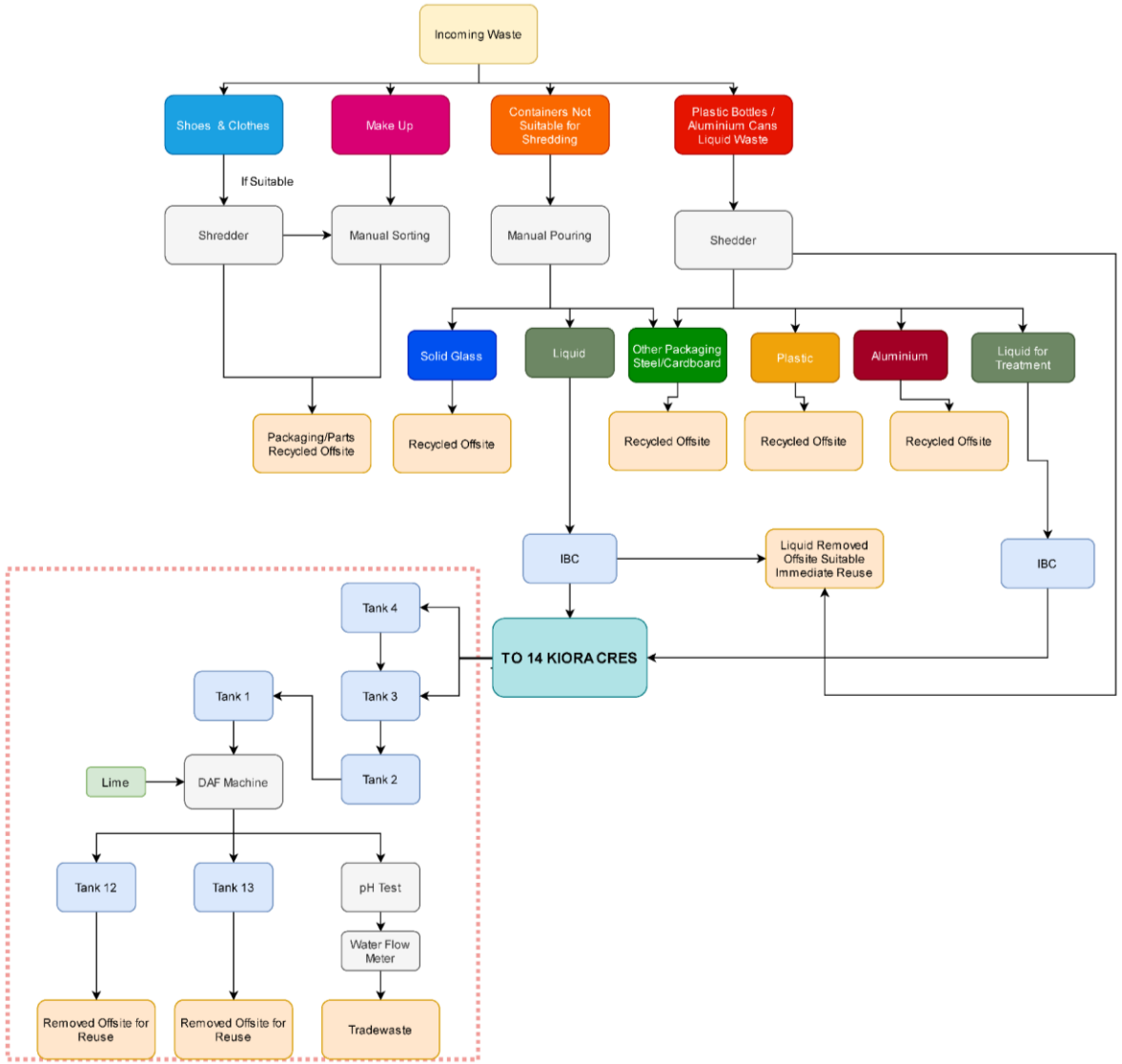

Figure 5 | Process diagram for waste processing facility (WPF)

3 Strategic Context

3.1 Greater Sydney Region Plan 2018

The vision of the 'Greater Sydney Region Plan 2018, a Metropolis of Three Cities' (Region Plan) falls within the integrated planning framework for Sydney (see Figure 12) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into three cities – The Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The development is consistent with the directions and objectives outlined in A Metropolis of Three Cities as it would assist in ensuring more waste is re-used and recycled to support the development of a circular economy (Objective 35).

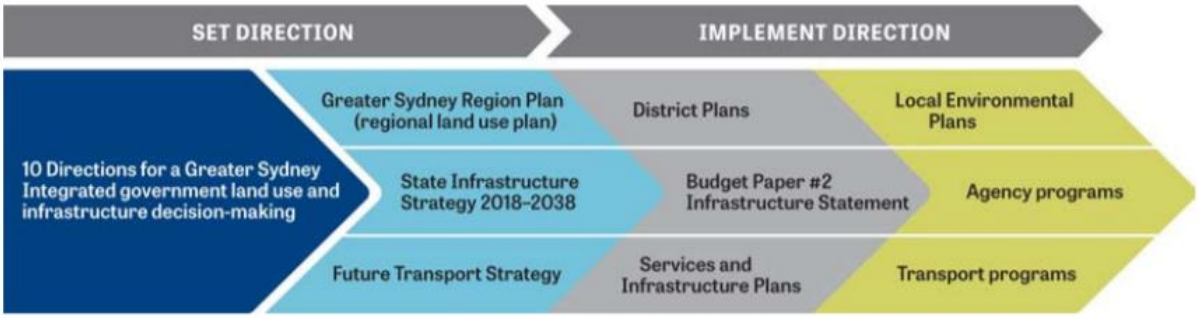

Figure 6 | Integrated State Planning for Greater Sydney

The site is located within the Central City District and the district plan identifies Yennora as an industrial precinct. The district plan highlights that industrial activity and urban services are important to Greater Sydney's economy and seeks to retain and manage existing industrial land in the district. The development is consistent with this approach as it seeks to increase the capacity of an existing facility.

3.2 Waste and Sustainable Materials Strategy 2041

Stage 1 of the Waste and Sustainable Material Strategy 2041 (WSMS) notes there is an emerging capacity constraint for liquid waste treatment in the Greater Sydney Metropolitan area. The Department considers the development is consistent with the principal aim of the WSM Strategy, as the development would provide additional liquid waste treatment capacity in NSW.

Focus Area 1 of Stage 1 of the WSMS, 'Meeting our future infrastructure and service needs', encourages co-locating businesses in precincts to support the circular economy and clean technology activities. The co-location of the WPF in the adjacent building would enable the liquid waste component to be recycled efficiently.

3.3 NSW Circular Economy Policy Statement 2019

The EPA prepared the Circular Economy Policy Statement in 2019, outlining principles for transitioning NSW towards a circular economy. The Department considers the development is consistent with the principles of the policy, including diverting waste from landfill to extend the lifespan of existing landfills and reducing demand for new landfills.

4 Statutory Context

4.1 State Significance

The proposal is State significant development pursuant to section 4.36 of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it is a liquid waste facility that stores and processes aqueous and non-aqueous liquid industrial waste with a proposed capacity of more than 1,000 tpa which meets the criteria in Clause 23(6)(b) of Schedule 1 in the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Permissibility

The site is zoned IN1 General Industrial under the Holroyd Local Environment Plan 2013. Pursuant to Clause 121 of the State Environmental Planning Policy (Infrastructure) 2007, development for the purposes of a waste processing facility is permissible in the IN1 zone, being a prescribed zone under Clause 120. Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 26 April 2021, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- the application has not been made by a person who has disclosed a reportable political donation
- there are fewer than 15 unique public submissions in the nature of objections and
- the relevant local council has not made an objection.

Only one public submission was received during the public exhibition period which objected to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

4.4 Other approvals

Section 4.42 of the EP&A Act requires further approvals to be obtained, considered or determined in a manner that is consistent with any Part 4 approval for SSD projects under the EP&A Act. In the case of the proposed development, an existing EPL No. 20444 will need to be varied by the EPA under the *Protection of the Environment Operations Act 1997*.

The Department has considered the advice of the relevant public agencies in its assessment of the development and included suitable conditions in the recommended conditions of consent.

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must also take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and the draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Holroyd Local Environmental Plan 2013 (HLEP).

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Holroyd DCP 2013 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the proposed development complies with the relevant provisions of these EPIs.

4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of an SSD application are required to be made publicly exhibited for at least 28 days. The application was on public exhibition from 13 November 2020 until 10 December 2020. Details of the exhibition process and notifications are provided in **Section 5.1.**

4.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2 | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would promote social and economic welfare and a better environment through the proper management of liquid wastes and diverting reusable wastes away from landfill thereby preserving space for less recyclable materials and extending the life of the landfill operations by reducing the pressure for new landfill sites to be developed.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered the encouragement of ESD in its assessment of the proposal. This assessment integrates all socio-economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage based on appraisal of risk weighted consequences. The Department is satisfied that the proposal can be carried out in a manner that is consistent with the principles of ESD.

Object	Consideration
1.3 (c) to promote the orderly and economic use and development of land,	The development is a permissible use which would promote the orderly and economic development of land. The development would meet the objectives of the zone by supporting and protecting existing industrial land. The development would also eight additional employment opportunities.
1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Department's assessment in **Section 6** of this report demonstrates with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected. Furthermore, the Environment, Energy and Science Group (EES) is satisfied that the development would not result in any significant impacts on biodiversity, and a waiver under the Biodiversity Conservation Act 2016 has been granted (see below).
1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development is not anticipated to result in any significant impacts upon built and cultural heritage, including Aboriginal cultural heritage.
1.3 (g) to promote good design and amenity of the built environment,	The Department considers the development would provide a built environment be consistent with an industrial zone.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The development would be constructed to meet the requirements of the Building Code of Australia (refer to **Section 6**).
1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the application as outlined in **Section 5**, which included consultation with Council and other relevant public agencies and subsequent consideration of their responses.
1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in **Section 5**, which included notifying adjoining landowners, and displaying the SSD application on the Department's website.

4.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

(a) the precautionary principle

(b) inter-generational equity

(c) conservation of biological diversity and ecological integrity

(d) improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 3 | Considerations Against the Principles of Ecologically Sustainable Development

Object	Consideration
(a) the precautionary principle	The department's assessment has considered the precautionary principle by carefully evaluating technical studies and providing recommendations to avoid serious or irreversible damage to the environment.
(b) inter-generational equity	The development would ensure the environment is maintained for the benefit of future generations by managing liquid wastes appropriately and diverting reusable wastes away from landfill thereby preserving space for less recyclable materials and extending the life of the landfill operations by reducing the pressure for new landfill sites to be developed.
(c) conservation of biological diversity and ecological integrity	The development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.
(d) improved valuation, pricing and incentive mechanisms.	The development would assist users of goods and services to be responsible for the management of their waste by providing adequate facilities to appropriately dispose of any waste.

4.9 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (the BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values.

On 18 May 2020, the Applicant submitted a request to the Planning Secretary to waive the requirement for a BDAR on the basis that the development relates to the expansion of an existing liquid waste treatment facility within a cleared and levelled site featuring minimal landscape planting and is not likely to have any significant impact on biodiversity values.

The Environment Agency Head and A/Director, Industry Assessments, as nominee of the Planning Secretary, determined the proposed development is not likely to have any significant impact on biodiversity values. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 15 June 2020.

4.10 Commonwealth matters

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development included a preliminary assessment

of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a ‘controlled action’. As such, the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State agencies as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.1.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS including:

- distribution of an information leaflet to adjoining properties
- correspondence with Cumberland City Council regarding traffic movements.

5.1.2 Consultation by the Department

The Department undertook a range of consultation activities throughout preparation of the SEARs including consultation with relevant public agencies.

After accepting the DA and EIS for the development, the Department:

- made it publicly available from **13 November 2020** until **10 December 2020** on the Department's website
- notified landowners and occupiers in the vicinity of the site about the exhibition period by letter
- notified and invited comments from State government agencies and Cumberland City Council

5.2 Submissions and Advice

The Department received three submissions (one public and two special interest groups) and advice from seven government agencies. One special interest group (Ascendas REIT) objected, and one public submission supported the development. All other submissions and advice were provided as comments. The key issues raised in the objection related to air, noise and traffic impacts on an adjacent business. The submission in support noted the positive environmental benefits of materials recycling.

A summary of the submissions and government advice is provided below. A link to the full copy of the submissions and advice is provided in **Appendix A.**

5.2.1 Key Issues – Government Agencies

Cumberland City Council (**Council**) did not object to the development but noted the access proposed did not allow for the turning of heavy vehicles to be completed within the site without encroaching on the footpath or nature strip. Council required carparking and swept paths to meet the relevant Australian Standards (AS) and the provision of seven additional carparking spaces for employees to be consistent with the Holroyd DCP. Council was also concerned with stormwater and asked for additional information regarding stormwater systems to be provided and details to demonstrate compliance with the Holroyd DCP.

Environment Protection Authority (**EPA**) raised concerns that no clear justification had been provided to support the significant increase in throughput. The EPA raised concerns that the Odour

Impact Assessment (OIA) did not explain how the DAF would have capacity for the proposed additional liquid waste. The EPA noted the OIA did not consider the proposed treatment of liquid product / food waste and did not consider a worst-case scenario. The EPA also considered the parking of heavy vehicles offsite was not ideal and requested confirmation heavy vehicles would not park on public roads.

Transport for NSW (**TfNSW**) including **Roads and Maritime Services Division** (**RMS**) questioned whether the Traffic Impact Assessment (TIA) included consideration of vehicle movements for outgoing waste. TfNSW recommended conditions to ensure the development did not use parking spaces on the public road network and preparation of a Construction Traffic Management Plan (CTMP). TfNSW noted the design of the access should meet Council's requirements.

Fire and Rescue (**FRNSW**) required the Applicant to prepare an Emergency Response Plan (ERP) and Emergency Services Information Package (ESIP).

Biodiversity and Conservation Division (**BCD**) of the Department noted that a BDAR waiver had been approved and had no further comments on the development.

The **Water Group** of the Department (**DPIE-Water**) and **Heritage NSW** also did not have any comments on the proposed development.

5.2.2 Key Issues - Special Interest Groups/Private Businesses

Ascendas REIT, the proposed tenant of a neighbouring development, raised issues with traffic and parking including the need to avoid heavy vehicles parking or queuing in the road. Ascendas REIT also noted odour related to the current development and concern that an increased throughput could exacerbate the issue.

Sydney Water noted the increased throughput and the resulting increase in discharge to the sewerage system would require a new application for a Trade Wastewater Agreement (TWA). Sydney Water required a Section 73 application to be submitted to provide more information.

TransGrid noted the development would not impact its infrastructure and/or easements.

Jemena Gas Works noted the development did not generate additional risks to the Sydney Primary Loop gas main.

5.3 Response to Submissions and Supplementary Information

On 16 February 2021, the Applicant provided a RTS on the issues raised during the exhibition of the development (see **Appendix B**). The RTS was made publicly available on the Department's website and was provided to key government agencies to consider whether it adequately addressed the issues raised. A summary of the government agency responses is provided below:

Council continued to raise issues with access and parking. Council noted that off-site parking was not acceptable, the driveway widening would not be supported and would require a separate approval. Council was satisfied the development could meet the stormwater requirements in the Holroyd DCP.

EPA provided recommended conditions required to issue an EPL. These conditions included requirements for managing odour such as through restricting the site from receiving out-of-date dairy products for destruction.

TfNSW including **RMS** repeated its recommended conditions requiring the development not to use parking spaces on the public road network and for a CTMP to be prepared and implemented.

The Department requested further clarification from the Applicant about waste processing, increased throughput, and access and parking on 14 April 2021 and again on 2 September 2021. The Applicant provided additional information on 18 November 2021.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department considers the key assessment issues are:

- Traffic and Access
- Site and Operational Capacity

A number of other issues have also been considered and are assessed in **Table 4** in **Section 6.3**.

6.1 Traffic and Access

The Traffic and Parking Impact Assessment (TPIA), prepared by ML Traffic Engineers, provided an assessment of impacts on the local road network, including on the Level of Service (LoS) at key intersections and parking. A separate Traffic Management Plan (TMP) including Swept Path diagrams, prepared by Benbow Environmental was submitted alongside the TPIA.

6.1.1 Operational Traffic

During operation, the development would generate additional heavy vehicle movements to and from the site which have the potential to impact on the safety, capacity and efficiency of the local road network.

The site is located in a cul-de-sac. Vehicles would access the site from the driveway at 16 Kiora Crescent and exit the site via the driveway at 14 Kiora Crescent. The main traffic routes include Kiora Crescent, Norrie Street, Loftus Road, Dursely Road, Fairfield Road, Polding Street and Horsley Drive.

Figure 7 | Local Road Network

Based on the maximum operational throughput of 110,000 tpa, the TPIA predicted there would be 38 heavy vehicle trips over a 24-hour period and considered a worst-case scenario of three heavy vehicle movements per hour based on:

- 2 arrivals and 1 departure during the AM peak hour
- 1 arrival and 2 departures during the PM peak hour

Light vehicle trips (staff cars) included 7 arriving during the AM peak hour and 7 departing during the PM peak hour.

The TPIA included SIDRA modelling for key intersections (Norrie Street/Kiora Crescent, Loftus Street/Norrie Street, Loftus Street/Yennora Avenue and Fairfield Road/Dursley Road) during the AM and PM peak hours. The TPIA concluded the ten additional trips (seven light vehicles and three heavy vehicles) from the development during the AM and PM peak hours represent a small proportion of the existing traffic volumes and would have low impact on the surrounding road network. There would also be no change to the LoS at any of the key intersections.

Council did not raise any issues regarding potential traffic impacts on the local road network, however TfNSW requested additional information on outgoing waste movements. The Applicant confirmed the TPIA included traffic movements for outgoing waste and TfNSW had no further comments.

Given hourly traffic numbers are low and there would be no change to the LoS, the Department considers the development would not significantly impact on the operation of key intersections or the efficiency and effectiveness of the local road network.

However, the ensure any impacts are minimised, the Department has included a condition requiring the Applicant to prepare an Operational Traffic Management Plan (OTMP) which includes details of measures to minimise the potential impacts of the development on the local and regional road network.

6.1.2 Site Access

To enable safe and efficient access and on site manoeuvring, the size and layout of the site should allow heavy vehicles to enter and exit the site in a forward direction. The TPIA provided swept path diagrams which did not conclusively show that heavy vehicles could safely enter the site via the gate at 16 Kiora Crescent and complete a manoeuvre to reverse into the building at 14 Kiora Crescent without entering the footpath area thereby potentially causing a conflict with pedestrians on Kiora Crescent.

Council was concerned that heavy vehicles arriving at the LWTP to unload could not complete turning manoeuvres within the site, noting heavy vehicles would need to cross the footpath and then reverse back into the building at 14 Kiora Crescent (see **Figure 8**). Council was also concerned the multiple point turn required for the manoeuvre had the potential to cause obstruction and delay, and recommended turning be limited to a three-point turn. Council stated it would not support the widening of the access driveway at 16 Kiora Crescent to accommodate the complex heavy vehicle manoeuvre. TfNSW also noted the need to reverse back into the site and required the design of vehicle movements to be in accordance with Council's requirements.

As part of the RTS, the Applicant updated the swept path diagrams showing a three-point turn movement, however this still showed that heavy vehicles would need to leave the driveway at 14 Kiora Crescent onto the footpath before reversing back in. The Applicant justified the reversing movement on the basis that the site is at the end of a cul-de-sac with low pedestrian traffic. The Applicant also

proposed a full-time traffic operator to manage vehicle movements and ensure pedestrian safety. The revised movement would still require the widening of the driveway at 16 Kiora Crescent.

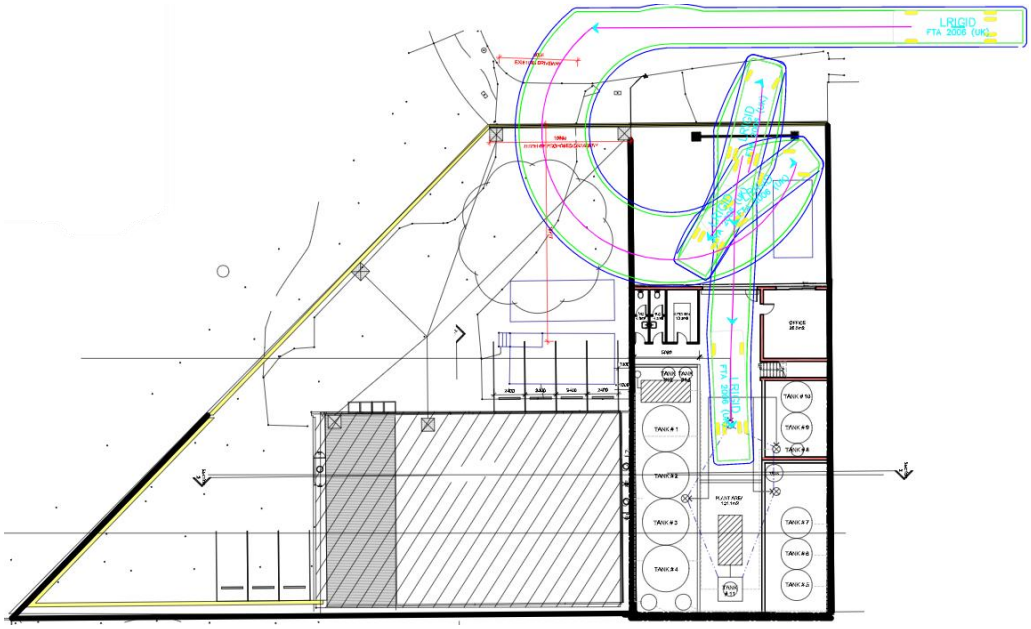

Figure 8 | Swept Path Diagram from the Applicant's RtS

Council did not accept the information provided in the RTS and required all vehicle movements to be carried out within the site boundary.

Consequently, the Applicant reviewed the options for heavy vehicle access to the processing building at 14 Kiora Crescent and provided further revised swept path diagrams (see **Figure 9**). These demonstrated the amended movement could be completed within the site boundary and the Applicant provided video footage of a 10 m heavy vehicle completing the manoeuvre without infringing on the footpath and street verge. Due to the amended movement, the need to widen the driveway at 16 Kiora Crescent was removed and the traffic controller was no longer required.

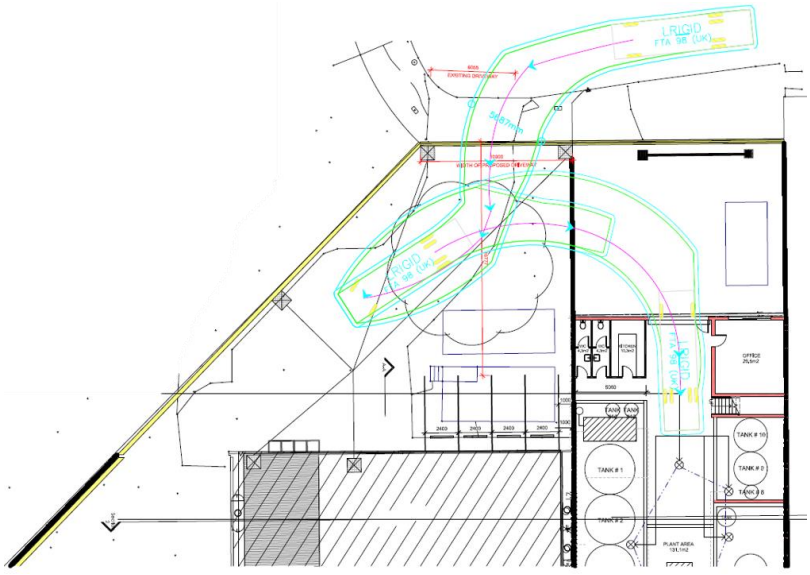

Figure 9 | Final Swept Path Diagram

Following review of the additional information, Council was satisfied the vehicle movements could be carried out without encroaching onto the footpath or nature strip and confirmed its satisfaction the driveway of 16 Kiora would not be widened.

The Department has reviewed all the information provided by the Applicant, including revised swept path diagrams, and the advice from Council. Noting it is no longer necessary to reverse back into the site, the Department is satisfied the site access is acceptable and manoeuvring of heavy vehicles could be carried out safely. The Department notes the swept path diagrams for the largest vehicle entering the site show a 10 m vehicle, therefore has recommended a condition limiting the size of vehicles entering and exiting the site to no more than 10 m to ensure there would be no unacceptable impacts.

6.1.3 Parking and Waiting

To ensure that heavy vehicles do not queue on the local road network, adequate space is required on site to accommodate heavy vehicles during peak operations. The TMP included measures to address potential street queuing including a heavy vehicle scheduling program and identified a bunded rear external area at 16 Kiora Crescent that would be used as a waiting bay for up to two heavy vehicles (see **Figure 10**).

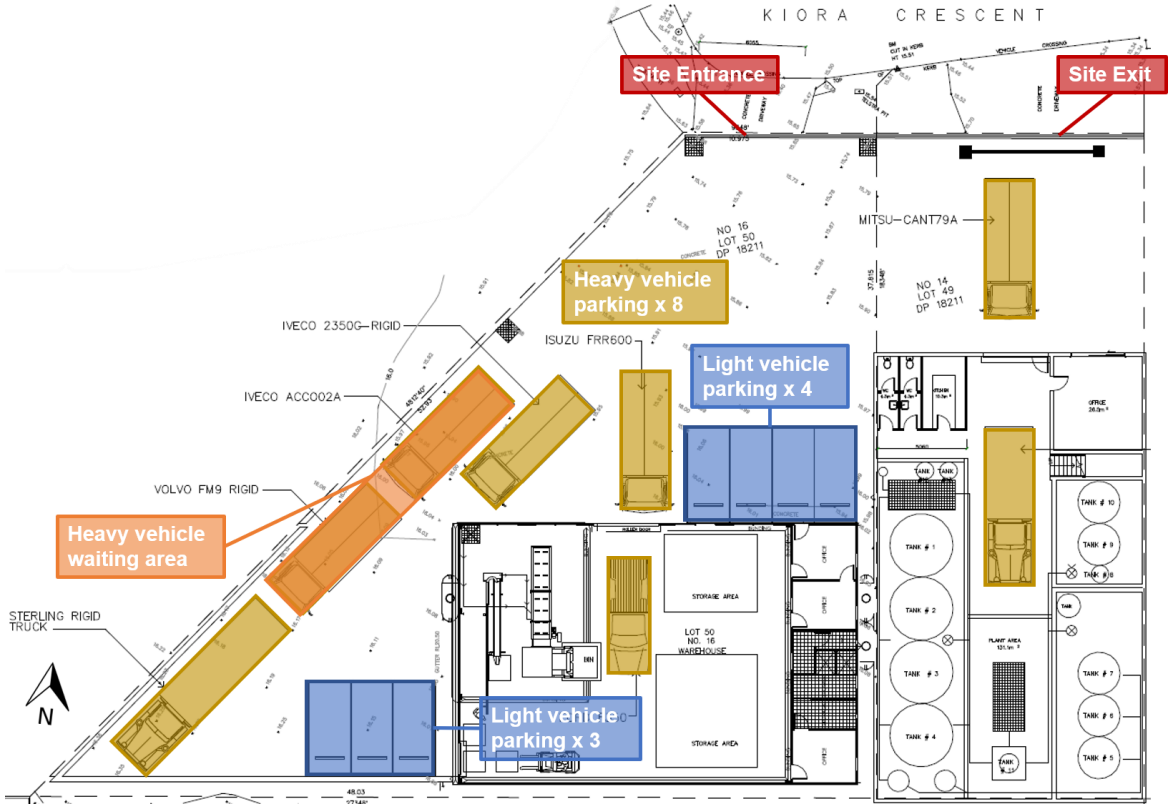

Figure 10 | Interim parking arrangement

The Applicant also advised it has an off-site heavy vehicle parking and waiting arrangement with a third-party property at 27-49 Nelson Road, Yennora for liquid waste vehicles not in use during the day and overnight. However, the Applicant was unable to provide evidence of consent for this and has now lodged a modification with Council seeking consent to park heavy vehicles from the development at 27-49 Nelson Road.

In its advice on the EIS, Council did not support off-site parking of heavy vehicles and suggested the on site heavy vehicle waiting bay could be used overnight or as temporary parking for two trucks. Council was also concerned the seven car parking provided on site was inconsistent with the DCP and requested additional car parking spaces be provided.

Noting Council's concerns, the Applicant provided an interim arrangement for parking empty heavy vehicles on site until such time as the modification application for 27-49 Nelson Road, Yennora is determined (see **Figure 10**) or an alternative parking arrangement is finalised. The Applicant noted the interim arrangement was temporary and not a viable option in the long-term, as it would impact site operation during night-time and evenings when the majority of vehicles would not be in use and be parked on site. The Applicant confirmed there would be no more than seven employees on site at any one time under peak operations and Council accepted that all employee vehicles could be parked on site.

Due to the limited size of the site and the constraints on access and manoeuvrability, the Department had concerns there is potential for heavy vehicles to queue on local roads. The Department notes:

- the TIA assumes three vehicle movements per hour during a worst-case scenario
- a heavy vehicle could spend a maximum of 28 minutes on site which equates to two heavy vehicles per hour
- the TIA identified up to two spaces for heavy vehicles to wait while one heavy vehicle unloads
- the heavy vehicle scheduling program allows for a maximum of three heavy vehicle loads to be processed per hour.

On this basis, the Department finds the development can only comfortably receive a maximum of three heavy vehicles in any one hour without impeding site operations and causing queuing on the street. As up to three vehicles can wait on site at any one time and currently no alternative off-site waiting area is available, the Department recommends a condition limiting the site to receiving three heavy vehicles per hour.

In addition, the Department has considered the impacts of limited parking availability for empty trucks which are not in use for waste delivery, especially as it is not guaranteed that Council will approve the modification application at 27-49 Nelson Road, Yennora.

The Applicant owns and operates eight heavy vehicles and has advised of the following parking scenarios based on the interim parking arrangement (see **Figure 10**) and how they affect the ability to operate the site:

a) 4 empty heavy vehicles parked at or near the heavy vehicle waiting areas at 16 Kiora Crescent - normal operations could continue
b) 6 empty heavy vehicles parked at 16 Kiora Crescent, including vehicles in front and inside the building - WPF operations must cease but LWTP operations could continue
c) All eight empty heavy vehicles parked on site, including vehicles in front and inside the building at 14 Kiora Crescent - all operations must cease. (It is likely this would be during the night time period between 10 pm and 6 am.)

The Department notes that the Applicant's interim proposal to park empty heavy vehicles within the site would necessarily reduce the hours when the site would be available for full operations, mainly during the evening and night-time period when some or all of the trucks are not in use (see scenarios b) and

c)). The Department expects this would be a temporary arrangement until the Applicant resolves the issue of off-site parking.

As a safeguard against staff and heavy vehicles queuing or parking in the local road network during peak operational times and when unused trucks are parked on site, the Department has included conditions of consent prohibiting queuing and parking on the local road network as well as requiring preparation of a Parking Strategy prior to the commencement of operation. The Parking Strategy would initially detail the interim (immediate) parking arrangements with later updates to include permanent parking arrangements when these have been finalised. The Parking Strategy is to also to include a commitment by the Applicant to cease operations at the WPF and/or LWTP during any periods when heavy vehicles parked on site impede access and manoeuvrability.

With the restriction on the number of vehicles arriving at the site and the requirement for a Parking Strategy, the Department is confident the impacts of parking and waiting vehicles could be managed.

6.1.4 Conclusion

The Department notes operational vehicles associated with the development would not impact the LoS of the key intersections or the local road network under the worst-case scenario of a maximum of three heavy vehicle movements in an hour. The Department's assessment concludes that traffic impacts can be suitably managed through a condition recommending preparation of an OTMP.

As a result of the Department's and Council's concerns regarding traffic and access, the Applicant revised site access movements for heavy vehicles to ensure these could be accommodated within the site boundary and provided an interim parking plan. The Department's assessment concludes that subject to the recommended conditions, including limiting the size of vehicles accessing the site and the requirement for a Parking Strategy, the site's access, truck waiting and parking arrangements would be satisfactory.

6.2 Site and Operational Capacity

A key concern raised by the Department during it assessment is the ability of the LWTP to handle additional liquid waste throughput, given its size, access constraints and proposed design. Despite the current approval being limited to 900 tpa, the Applicant has confirmed the site currently processes around 40,000 tpa of liquid waste. The proposed throughput at the LWTP is 101,100 tpa (being 100,000 tpa of industrial liquid waste arriving directly at 14 Kiora Crescent and 1,100 tpa of liquid product waste arriving via 16 Kiora Crescent). As this represents an increase in excess of 2.5 times above the existing operational level, the operational capacity of the site remains a key issue for the Department.

To demonstrate the site's ability to process 101,100 tpa at the LWTP, the Applicant provided additional information regarding the settling and processing times for the various liquid waste types. The total processing time - including vehicle manoeuvring, primary and secondary filtration, settling time and DAF processing - varied between 1.2 and 4.8 hours for each load. The Applicant assumed an average load size of 10,000L or 10 t, which would equate to approximately 27 loads per day at the maximum throughput of 100,000 tpa. The Applicant confirmed that 55 t per day (20,000 tpa) of sludge from incoming liquid waste would be removed from the site.

The Department was concerned that all wastewater destined for the DAF and onward discharge to trade waste would need to be sent to Tank 1 prior to transferring, (see **Figure 4**) thereby causing a potential bottleneck. The Applicant confirmed Tank 1 would be emptied approximately 9 times per day and has a capacity of 25 t (or 25,000 L). The operational capacity of Tank 1 would therefore be 225 t

per day or 82,000 tpa. Given 20,000 tpa of sludge would be removed before the remaining liquid reaches Tank 1, the Applicant advised the site is capable of receiving and processing 102,000 tpa of liquid waste (i.e. 82,000 tpa recycled liquid + 20,000 tpa sludge = 102,000 tpa).

As 102,000 tpa is very close to the required capacity of 101,100 tpa, if there was a breakdown in Tank 1 or the DAF, the Department had concerns there could be insufficient capacity to treat liquid waste at the site. The Applicant identified that in this case the liquid waste could be stored in the settling tanks while the equipment is repaired. If Tank 1 or the DAF could not be repaired, new loads would not be accepted at the site and they would be redirected to another facility which could receive and process the waste.

The EPA had no comments on the general waste management aspects of the development, however provided recommended conditions of consent relating to waste types to be received and the processing limits.

The Department recognises the liquid waste treatment process can vary significantly based on the load size and settling time for each waste. Noting that in practice some liquid may be moved from tank to tank to manage the variation in settling times, and that some liquid waste types can be processed simultaneously using a number of tanks, depending on site capacity, the Department accepts the site could manage the proposed 101,100 tpa of liquid waste under normal circumstances. However, adequate contingency measures would be required to manage a worst-case scenario where longer processing times arise and capacity is affected.

The Department notes that in order to manage waste arrivals and processing, the Applicant has proposed a heavy vehicle scheduling system with a maximum of three heavy vehicle loads per hour. Furthermore, the Department has recommended a traffic condition limiting the site to receiving a maximum of three heavy vehicles per hour. As these measures would have the effect of spreading waste receival throughout the day, the Department notes the potential for large amounts of waste (beyond the capacity of the tanks) to arrive at once would be reduced.

The heavy vehicle scheduling system would also ensure that vehicles could be spaced out or deliveries restricted during any unplanned breakdowns. However, the Applicant would also rely on diverting waste to other sites in the event of longer repairs or site issues. Hence, the Department has recommended a condition of consent requiring the preparation of an operational Waste Management Plan (WMP) to include details of the quantity, type and source of waste, the contingencies for managing waste during any unexpected machinery breakdown.

The Department's assessment concludes that, with the recommended conditions of consent requiring an operational WMP including a contingency plan, there would be appropriate procedures in place to manage waste, unexpected breakdowns or delays in processing, and there is sufficient capacity at the LWTP to manage 101,100 t of liquid waste to be processed per year, even under a worst-case scenario.

6.3 Other issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of Other Issues

Findings	Recommendations
Air Quality and Odour	

• The development has the potential to generate odour emissions associated with the processing of liquid waste.
• An Odour Impact Assessment (OIA) was prepared by Benbow Environmental Pty Ltd that demonstrated odour emissions for liquid waste processing would remain under the assessment criteria of 2 odour units (OU) under a worst-case scenario, which included 24/7 operation and all tanks venting through the stack.
• The OIA noted that dust and particulate matter associated with the activities and processes on site were considered negligible.
• The Applicant proposes to include the following mitigation measures to control odour emissions:
  ○ biotrickling filter system which is exhausted via a stack 6 m above the roofline
  ○ fully enclosed operations, and
  ○ deodoriser spray at five points within the building including two at the roller doors, two at the rear of the building and one above the DAF.
• In its advice on the EIS, the EPA noted the OIA did not provide adequate information to confirm the site could support the increased throughout and observed the odour sources from the treatment of liquid product/ food waste at 16 Kiora Crescent were not included.
• In the RTS, the Applicant explained the waste received at 16 Kiora Crescent was unlikely to generate odour impacts and removed out-of-date dairy products from the waste types to be received at the site.
• The EPA was satisfied with the Applicant's mitigation measures and agreed the development would not result in additional odour impacts. The EPA recommended a condition requiring the emissions from the LWTP to vent to the biotrickling filter system and be exhausted through a stack 6 m above the roofline.
• The EPA also requested the Applicant to prepare and implement an Air Quality and Odour Management Plan (AQOMP) for the site.
• The Department has considered the information provided by the Applicant and agrees that, due to the types of waste and the fact that all waste processing would be carried out indoors, there are unlikely to be dust impacts generated by the development.
• In terms of odour, the Department notes the Applicant's proposal to remove out of date dairy products from waste types received at the site. The Department notes the Applicant's assessment did not include the operations at 16 Kiora Crescent and has therefore recommended a condition requiring the Applicant to carry out an odour audit to confirm the site would not result in additional odour impacts once the throughput is increased.
• The Department's assessment concludes potential odour impacts could be adequately managed, subject to the implementation of recommended conditions of consent, including an AQOMP and odour audit.
	Require the Applicant to:
	• Limit the type of waste received to exclude out-of-date dairy products
	• Prepare and implement an Air Quality and Odour Management Plan (AQOMP)
	• Carry out an odour audit

Findings	Recommendations
Noise	

• The proposed increased site operations have the potential to generate additional noise impacts at off-site sensitive receivers. To assess potential impacts, the Applicant carried out a Noise Impact Assessment in accordance with the Noise Policy for Industry (NPfI) (EPA, 2017) and the NSW Road Noise Policy (RNP) (DECCW, 2011).
• Key noise sources include heavy vehicle engines and exhausts, material handling and shredding, and pumps for waste transfer operations.
• The NIA identified nine residential receivers, two schools, one childcare centre, three industrial receivers and an active recreation receiver (Fairfield Road Park) within 1 km of the site. The closest residential receiver is 330 m south east of the site in Yennora.
• Project noise trigger levels (PNTLs) for a 15-minute assessment period were established in accordance with the NPfI. The PNTLs were between 38 dBA and 47 dBA, with an L_{Amax} level of 52 dBA for sleep disturbance. The PNTLs associated with road traffic noise ranged between 50 dBA and 60 dBA.
• The Applicant's NIA considered a worst-case operational scenario during both neutral and adverse weather conditions, with all internal noise sources operating 100% of the time simultaneously for the entire assessment period, as well as one heavy vehicle entering and leaving both 14 and 16 Kiora Crescent over the same period.
• The NIA found that noise levels are predicted to remain below the PNTLs at all receivers surrounding the site for all time periods under both neutral and adverse weather conditions. Sleep disturbance is not expected at any residential receiver.
• Road traffic noise for the additional traffic generated by the development was also predicted to comply with the RNP criteria.
• The Applicant's assessment concluded the proposed site activities would not result in significant noise impact on surrounding sensitive receivers. Despite compliance with all PNTLs and criteria, as a conservative measure the NIA recommended several best practice management practices be adopted and implemented at the site, such as limiting periods of idling, keeping roller shutter doors closed and limiting exhaust brakes.
• The EPA and Council did not raise any concerns regarding the NIA.
• The Department is satisfied the Applicant's NIA represents a conservative and robust assessment of potential noise impacts from the proposed development, which has demonstrated predicted noise from site operations are below all relevant assessment criteria at all sensitive receivers.
• The Department notes the Applicant has not committed to adopting the recommended management measures recommended in the NIA. As these represent best practice, the Department has recommended conditions requiring the Applicant to adhere to these recommendations as part of a Driver Code of Conduct:
  ○ prohibit extended periods of on site revving/idling
  ○ ensure the roller doors of the building remain closed, except when vehicles are entering or exiting
  ○ minimise the use of heavy vehicle exhaust brakes on site
  ○ enforce low on site speed limits
	Require the Applicant to:
	• adopt and adhere to a range of best practice noise management practices as recommended in the NIA as part of a Driver Code of Conduct
	• comply with operational noise limits consistent with the PNTLs identified in the NIA at all residential receivers

Findings	Recommendations
○ maintain on site vehicles and machinery. • A condition is also recommended requiring the Applicant to comply with the PNTLs for the development at all residential receivers. • The Department's assessment concludes the noise impacts of the development would be minor and adequately mitigated by the recommended conditions.	
Surface water	
• During storm events, surface water on the site may become contaminated with pollutants deposited on hardstand areas by site operations. • To assess the potential for off-site water quality impacts, the Applicant carried out a qualitative Soil and Water Assessment (SWA) which advised there are no discharge points to natural waterways and no connection to council's stormwater system as all site stormwater is contained and treated on site. • Both the LWTP and WPF are internally bunded with drains leading to blind sump pits. The liquid from the sump pits is pumped into an IBC and then treated through the LWTP. • Existing stormwater infrastructure includes perimeter bunding, internal bunding for each building, blind sumps, isolated stormwater pits with grates and a discharge outlet from one of the isolated stormwater pits • Waste transfer from tanker trucks to storage tanks and all liquid waste processing areas are located within the bunded areas. There are detailed spill management and staff training procedures in place to manage surface water impacts. • The SWA noted however, that during heavy rainfall events, stormwater may overflow from the bunded site to the street and into Council's stormwater system, even with the above safeguards. • As part of the SWA, the Applicant carried out an analysis of on site stormwater quality for pollutants including; heavy metals, Volatile Organic Compounds (VOCs) and Total Recoverable Hydrocarbons (TRH). The analysis found the concentration of all pollutants in the stormwater were below the relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines (2000) trigger levels. • The Applicant's assessment concluded that with the existing processes and safeguards in place, there is minimal potential for the contamination of surface or ground waters to occur as a result of on site operations. • Council requested the Applicant provide additional information regarding how site runoff is collected, conveyed and appropriately disposed into the street stormwater system. Council was concerned that during overflow events contaminated runoff could enter its stormwater system. • Council also required the development demonstrate compliance with the stormwater management requirements in the Holroyd Development Control Plan 2013. In its RTS, the Applicant provided additional information regarding the potential for stormwater runoff and demonstrated compliance with the DCP. Council were satisfied with the additional information provided.	Require the Applicant to: • prepare a SWMP • ensure the proposed stormwater system does not direct contaminated stormwater to Council's stormwater system • carry out all waste processing in an enclosed building • identify and implement spill management procedures • store all chemicals, fuels and oils on site in appropriately bunded areas.

Findings	Recommendations
• The EPA and Department did not raise any concerns regarding the potential for off-site water pollution or the effectiveness of the existing stormwater system. • The Department is satisfied the Applicant's SWA has demonstrated the existing site design and operational processes provide sufficient mitigation against high concentrations of pollutants accumulating in stormwater on the site and the risk of off-site water quality impacts is low. • To ensure the surface water management system continues to operate efficiently to avoid any potential surface water impacts in the future, a condition has been recommended requiring the Applicant to prepare a surface water management plan (SWMP). The SWMP will need to detail the stormwater system design, a maintenance schedule for all stormwater infrastructure, a program to monitor surface water flows, quality, storage and use, surface water impact assessment criteria (including trigger levels), and a protocol for investigating and mitigating any identified exceedances of the criteria. • In recognition of Council's concerns, the Department has recommended conditions, requiring the Applicant to carry out all waste processing within an enclosed building, provide details of all spill management procedures as part of the Emergency Plan (EP), and store all chemicals, fuels and oils used on site in appropriately bunded areas. • The Department's assessment concludes the risk of off-site water quality impacts is low subject to adherence to existing on site safeguards and operational processes and the implementation of the Department's recommended conditions.	
Fire Safety	
• Waste facilities generally present a "special problem of firefighting". FRNSW required the Applicant to address Clauses E1.10 and E2.3 of the National Construction Code (NCC) and recommended ongoing engagement with FRNSW to ensure their requirements would be met. • The Applicant indicated fire safety measures would be finalised as part of the detailed design process in accordance with BCA provisions and confirmed appropriate fire measures would be available. • Conditions of consent are recommended by the Department and FRNSW to ensure the development and onsite fire safety system complies with Volume One of the NCC to the satisfaction of FRNSW. • The Department has incorporated FRNSW's recommended conditions including the requirement for an Emergency Plan and an Emergency Services Information Package (ESIP). The Department's assessment concludes that with these controls in place, fire safety would be adequately addressed in the design of the facility.	Require the Applicant to: • ensure the onsite safety systems is in accordance with the National Construction Code to the satisfaction of FRNSW. • Prepare an emergency plan and ESIP.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from the relevant public agencies, including Council, and submissions from the public.

None of the State government agencies or Council objected to the proposal and the Department has sought to address any issues raised through consultation with both the government agencies and the Applicant. One submission received during the exhibition of the development objected to the proposal due to concerns about odour and traffic and access.

The development would generate 38 heavy vehicle trips over a 24-hour period with a maximum of three trips per hour. The Applicant demonstrated the local road network would continue to operate satisfactorily and TfNSW was satisfied with the traffic impact assessment. The site access would allow heavy vehicles to enter and exit the site in a forward direction without encroaching on Council land and Council was ultimately satisfied with the proposed access arrangements. The Department has recommended conditions of consent which limit the number of heavy vehicles per hour and require a Parking Strategy and an operational traffic management plan to be prepared for the site.

The Applicant has confirmed the site would not receive out of date dairy products and has prepared an OIA to confirm that odour impacts could be managed following the increased throughput.

Other issues considered in the Department's assessment of the application include site and operational capacity, noise, surface water and fire safety. The Department considers the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. The conditions were developed in conjunction with government agencies and Council.

The Department's assessment concludes that the development would support the diversion of waste from landfill and provide much needed waste management capacity for liquid waste. In economic terms, recycling reduces waste disposal costs for both government and industry and the development would provide 5 operational jobs. The Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Director Industry Assessments as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for [approval/refusal] listed in the notice of decision
- **grants consent** for the application in respect of SSD-10407, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent

Recommended by:

Katelyn Symington
Senior Planning Officer
Industry Assessments

Recommended by:

Sheelagh Laguna
Principal Planning Officer
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

26 November 2021

Chris Ritchie
Director
Industry Assessments

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Environmental Impact Statement

- 'Enviro Waste Services Group Pty Ltd 14 - 16 Kiora Crescent Yennora NSW', prepared by Benbow Environmental Pty Ltd dated November 2020

Submissions

- All submissions and advice received from relevant public agencies and the general public

Response to Submissions

- 'Enviro Waste Services Group Pty Ltd 14 - 16 Kiora Crescent Yennora NSW', prepared by Benbow Environmental Pty Ltd dated February 2021

Additional Information

- 'Yennora Liquid Waste Treatment Plant (SSD-10407) – Outstanding Information' dated 18 November 2021

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: https://www.planningportal.nsw.gov.au/major-projects/project/26156

Appendix B – Considerations under Section 4.15 of the EP&A Act

Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: i.) any environmental planning instrument, and ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and iii.) any development control plan, and iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	• Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below. • The Applicant has not entered into any planning agreement under section 7.4. • The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	• The Department has considered the likely impacts of the development in detail in **Section 6** of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	• The development would continue to use the land for industrial purposes consistent with IN1 zoning objectives.
d) any submissions made in accordance with this Act or the regulations,	• All matters raised in submissions have been summarised in **Section 5** of this report and given due consideration as part of the assessment of the development in **Section 6** of this report.
e) the public interest.	• The development would generate up to five jobs during operation and direct $404,992 in capital investment in the Cumberland local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the operation of a liquid waste treatment facility that processes over 10,000 tonnes per annum of liquid food or grease trap waste which meets the criteria in Clause 23(6(a)) of Schedule 1 in the SRD SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public agencies about certain types of development during the assessment process.

As a waste or resource management facility, the development constitutes traffic generating development in accordance with Schedule 3 of the ISEPP and therefore the application was referred to TfNSW for comment and consideration of access and traffic impacts. TfNSW's comments are detailed in **Section 5** of the report. TfNSW provided comments and recommended conditions during exhibition of the proposed development. Following a review of the Response to Submissions no further concerns were raised by TfNSW. The development is therefore considered consistent with the ISEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Applicant reviewed the development in accordance with SEPP 33 and advised the development would not store dangerous goods above the threshold limits specified in SEPP 33. The EPA has advised it can issue an EPL for the development. On this basis, the development would not be considered potentially hazardous or offensive development.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The Applicant did not provide an assessment of land contamination as the development does not include ground disturbance or excavation. As the site is sealed with concreate hardstand and doesn't involve building construction or excavation, the Department is satisfied the development does not require further assessment or remediation is required.

draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

No signage is proposed as part of the development apart from some minor safety and directional signs. The Department considers no assessment of these signs is required in accordance with the provisions of SEPP 64.

Holroyd Local Environmental Plan 2013

The HLEP aims to provide a clear framework for sustainable land use and development in Holroyd and provide for a range of land uses and development in appropriate locations to meet community needs, including housing, education, employment, recreation, infrastructure and services.

The development is located in the IN1 General Industrial zone and the area immediately surrounding the site is being utilised for industrial uses. The proposed development is consistent with the objectives of the IN1 zone identified in the HLEP.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the HLEP and those matters raised by Council in its assessment of the development (see **Section 5** of this report). The Department concludes that the development is consistent with the relevant provisions of the HLEP.

Holroyd Development Control Plan 2013 (DCP)

The DCP includes specific development controls for part of the Cumberland LGA. The relevant provisions for the development include Part D Industrial Controls. The EIS includes brief consideration of these provisions as the development involves use of an existing facility with no new buildings or construction works proposed.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by Council in its assessment of the development (see **Section 5** of this report).

Appendix D – Community Views for Draft Notice of Decision

Issue	Consideration
Traffic Vehicles queuing in local road network	*Assessment* • The largest vehicle could access and egress the site safely and without encroaching on Council land. • During a worst-case scenario there would three heavy vehicle movements per hour which could be accommodated in the local road network without impacting the existing LoS. • Parking arrangements could be provided either off-site or within the site if needed. • Council and Transport for NSW have reviewed the additional information provided in the Response to Submissions report and have raised no concerns in relation to traffic impacts. *Conditions*: • The Department's recommended conditions limit the site to receiving no more than three heavy vehicles per hour in accordance with the Applicant's TIA. • The Department's recommended conditions also require the Applicant to prepare and implement an operational traffic management plan including a parking strategy to ensure that vehicles do not queue and are not parked on the public road network.
Odour Additional odour impacts from increased throughput	*Assessment* • The odour impacts would be below the 2OU criterion at all off-site receiver locations and out of date dairy products would not be received at the site. • A number of management and mitigation measures to control odour impacts are proposed including enclosed operations, a biotrickling filter system and deodoriser sprays. • EPA has reviewed the additional information provided in the Response to Submissions report and has raised no concerns with the information provided in relation to odour impacts. *Conditions*: • The Department's recommended conditions include limiting the type of waste received to exclude out-of-date dairy products and requiring the Applicant to prepare and implement an Air Quality and Odour Management Plan (AQOMP) and carry out an odour audit to confirm odour impacts could be managed appropriately.

Appendix E – Recommended Instrument of Consent

https://www.planningportal.nsw.gov.au/major-projects/project/26156