

Department of Planning, Housing and Infrastructure

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Somersby Drill Mud and Oily Water Recycling Facility

State Significant Development Assessment Report (SSD-62863964)

January 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Somersby Drill Mud and Oily Water Recycling Facility (the development).

The Department's assessment considers all documents submitted by Lawsan Property Holdings Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Submissions Report and Additional Information, submissions received from the public and Central Coast Council, advice from government authorities, and all legislation and planning instruments relevant to the site and the development.

The report includes:

- a description of the development and the surrounding environment
- an assessment of the development against government policy and statutory requirements, including mandatory considerations
- an explanation of why the development is SSD and who the consent authority is
- consideration of matters raised by the community and other stakeholders
- an assessment of the likely environmental, social and economic impacts of the development and recommendations for managing any impacts during construction and operation
- an evaluation which weighs up the likely impacts and benefits of the development, having regard to the proposed mitigation measures, community views and government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the development should be granted and any conditions that should be imposed.

Executive Summary

Lawsan Property Holdings Pty Ltd is seeking development consent to fit-out an existing warehouse and operate a recycling facility for drill muds and oily water at 134 Somersby Falls Road, Somersby in the Central Coast local government area. The development would process up to 150,000 tonnes per annum of liquid waste to produce usable recovered materials including aggregates and fines, oils for re-refining, and non-potable water for industrial reuse. Residual oily sludge would be sent for disposal at a licenced facility, wastewater unsuitable for reuse discharged to sewer under a Trade Waste Agreement, and residual solid waste (organics) sent for recycling or disposal at a licensed landfill.

The site occupies 0.4 hectares in an established industrial area, 6 kilometres west of Gosford. The existing warehouse building and associated hardstand were built under a Complying Development Certificate issued in September 2023.

The Department publicly exhibited the development application and EIS from 25 February 2025 to 24 March 2025, receiving 13 submissions from the public, one submission each from Central Coast Council and Ausgrid, and advice from four government authorities. All public submissions were in support of the development, and no objections were received from government authorities. The Applicant provided a Submissions Report addressing all submissions and advice.

The Department identified water management as the key assessment issue and determined that stormwater, wastewater and recovered water can be managed to ensure no adverse impacts to receiving environments. The Department's assessment also considered waste management, noise and vibration, air quality, traffic and access, bushfire, hazards and risks, heritage and contamination and found that these impacts could all be appropriately managed.

Overall, the Department's assessment concludes the development would:

- increase regional capacity for managing oily water and drill mud waste
- support the NSW Waste and Sustainable Materials Strategy 2041 by recovering materials for reuse and diverting waste from landfill
- deliver regional economic benefits, with a \$3.1M investment, 5 construction jobs, and 17 operational jobs.

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

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1 Introduction

1.1 Development Background

Lawsan Property Holdings Pty Ltd (the Applicant) is seeking development consent to fit-out an existing warehouse and operate a fully enclosed facility for recycling drill muds and oily water (the development). The Applicant is part of a group of companies with operations including non-destructive digging, concrete batching and landscape supply.

For this development, drill mud would be sourced from non-destructive digging and hydro-excavation, while oily water would come from service stations, mechanic workshops, and car and truck washes.

The facility would process up to 150,000 tonnes per annum (tpa) of liquid waste and would recover aggregates and non-potable water for industrial reuse, such as dust suppression in construction and quarrying. Residual wastes including oil, oily sludge and organics would be transported for recycling or disposal. Treated wastewater unsuitable for recovery would be discharged to sewer.

Proposed construction works include a new awning over part of the hardstand area, underground tanks within the building footprint, bunding of operational areas, and installation of roller shutters, architectural treatments and a noise wall. Fit-out would include installation of processing equipment within the existing building.

A detailed description of the development is provided in **Section 2.1**.

1.2 Site Description

The site is located within the Somersby Employment Lands approximately 6 kilometres (km) west of Gosford town centre and comprises approximately 0.4 hectares (ha) of E4 General Industrial zoned land located at 134 Somersby Falls Road, Somersby (see **Figure 1** and **Figure 2**), legally described as Lot 1 DP 787857.

The Somersby Employment Lands are an identified strategic precinct for retention and protection as industrial zoned land under Central Coast Council's draft *Somersby to Erina Corridor Strategy*. The Strategy identifies a riparian corridor and Aboriginal place of significance approximately 200 metres (m) to the east of the site. The riparian corridor is part of the Hawkesbury River catchment and one of several unnamed tributaries to Piles Creek, located 600 m east of the site.

The site is near a topographic peak and falls approximately 4 m over approximately 55 m from north to south. The lot is occupied by a 1,300 m² warehouse with attached office and staff amenities and a large concrete pad supported by retaining walls on the eastern and southern sides. Immediately to the south is a 20-metre unnamed and unformed road reserve.

Access to the State road network is via Somersby Falls Road, Wisemans Ferry Road and the Central Coast Highway. An onramp to the M1 Pacific Motorway is located approximately 2 km south of the site, with access via the Central Coast Highway.

1.3 Surrounding Land Uses

Immediately north of the development fronting Somersby Falls Road are several warehouses which contain storage and small manufacturing tenancies. West of the site across Somersby Falls Road is occupied by a large fabricator of reinforced concrete pipe, an under construction industrial development and an agricultural services site. East of the development is bushland, with the large allotment immediately adjacent zoned E4 General Industrial, and further east abutting the rear of development fronting Pile Road is a site known as Pile Road Reserve, which is zoned RE1 Public Recreation.

The nearest residential receiver is located 50 m to the south, across the unformed road reserve, on land rezoned E4 General Industrial in July 2025 as part of an amendment to the Central Coast Local Environmental Plan (LEP) 2023. The Applicant advised in the EIS that a contract for sale is in place for the transfer of that property to an industrial developer.

The next nearest residential receivers are located 400 m to the south-west and west, on land fronting Ghilkes Road and zoned E4 General Industrial and RU1 Primary Production, respectively; and 500 m to the north-east on land fronting Howes Road and zoned RU1 Primary Production.

1.4 Other Development Approvals

The existing warehouse, office and hardstand at the site was constructed by the Applicant under a complying development certificate (CDC5596/01) issued by Central Coast Council on 4 September 2023.

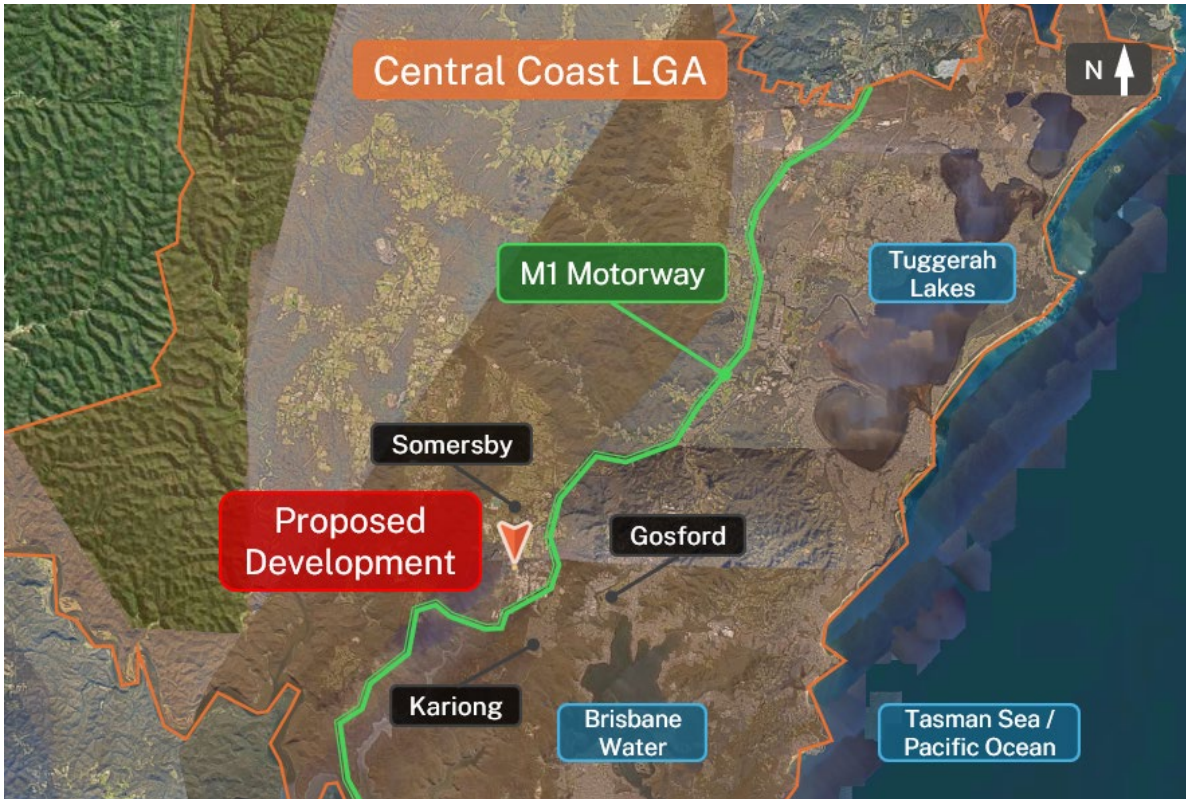


Figure 1 | Regional Context

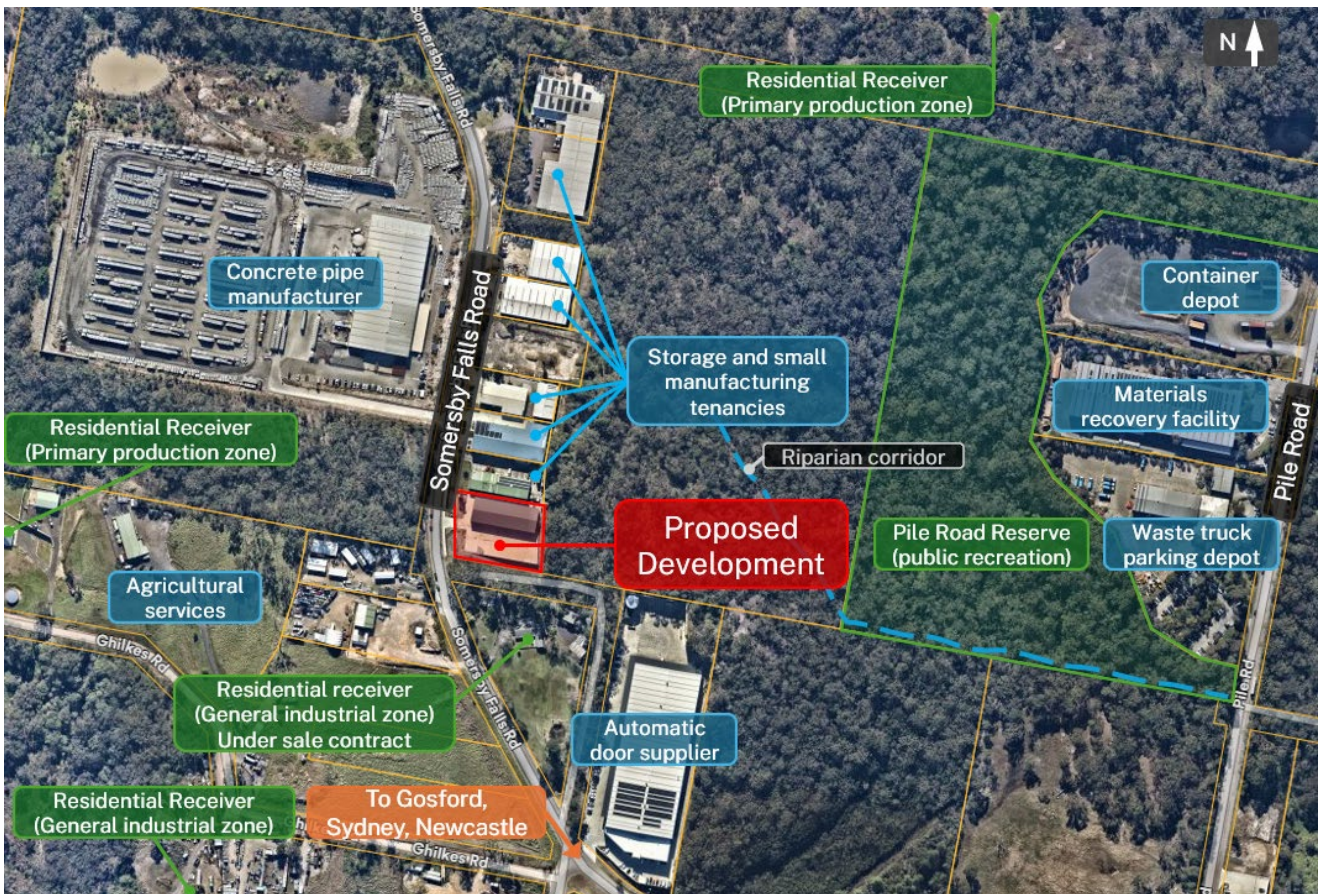


Figure 2 | Local Context

2 Development

2.1 Description of the Development

The major aspects of the development are summarised in **Table 1** and shown in **Figure 3**, **Figure 4**, **Figure 5** and **Figure 6**, and described in full in the Environmental Impact Statement (EIS) included in **Appendix A**.

Table 1 | Main Aspects of the Development

Aspect	Description
Development Summary	Fit out and operation of a fully enclosed industrial liquid waste recycling facility in an existing building with capacity to process 100,000 tpa of drill mud and 50,000 tpa of oily water
Site Area and Development Footprint	<ul style="list-style-type: none"> • site area of 0.4 ha • building footprint approximately 1,300 m²
Existing Site Infrastructure	<ul style="list-style-type: none"> • 7.94 m-high warehouse • internal offices and staff amenities • concrete hardstand and 12 car parking spaces • stormwater management system including 15 kilolitre (kL) rainwater storage, a bioretention basin and on-site detention
Construction Works	<ul style="list-style-type: none"> • installation of underground storage tanks including excavation • construction of a 3-metre-high acoustic attenuation wall along southern side of existing hardstand, and part of the eastern side • removal and re-instatement of the warehouse roof to facilitate fit-out • installation of a 5-metre-wide awning over and concrete rollover bunding around external receival and load out bays • installation of bunding around aboveground storage tanks and building perimeter • installation of fast roller shutters for access and acoustic attenuation • installation of architectural treatments for acoustic attenuation on the north, west and south warehouse façades and the warehouse roof

Aspect	Description
Waste Received	<ul style="list-style-type: none"> • 100,000 tpa drill mud received from construction and mining sources • 50,000 tpa oily water (J120 trackable waste) received from mechanical workshops, service stations and vehicle wash facilities
Waste Product Outputs	<ul style="list-style-type: none"> • 53,000 tpa treated wastewater discharged to sewer • 32,000 tpa recovered non-potable water for industrial reuse and irrigation • 35,000 tpa recovered aggregates and fines • 5,000 tpa oil suitable for re-refining • 1,000 tpa residual organic waste • 500 tpa residual sludge waste
Waste and Product Storage Capacity	<ul style="list-style-type: none"> • 40 kL influent oily water • 93 kL treated non-potable water from drill mud process • 167 kL treated water from oily water process • 20 kL separated oil • 1.4 kL residual sludge waste from drill mud process • 70 t total solid waste product storage
Plant and equipment	<ul style="list-style-type: none"> • 2 x vibrating dewatering screens, hydro cyclone dewatering screen, thickening tank, centrifuge, coalescing plate separator
Daily Traffic Generation	Approximately 100 heavy vehicle movements and 24 light vehicle movements
Construction Timeframe	Approximately 5 months
Hours of operation	Reveal, processing and dispatch – 24 hours, 7 days Maintenance – 10 pm – 4 am, 7 days
Estimated Development Cost	\$3,096,437
Employment	5 construction jobs and 17 operational jobs

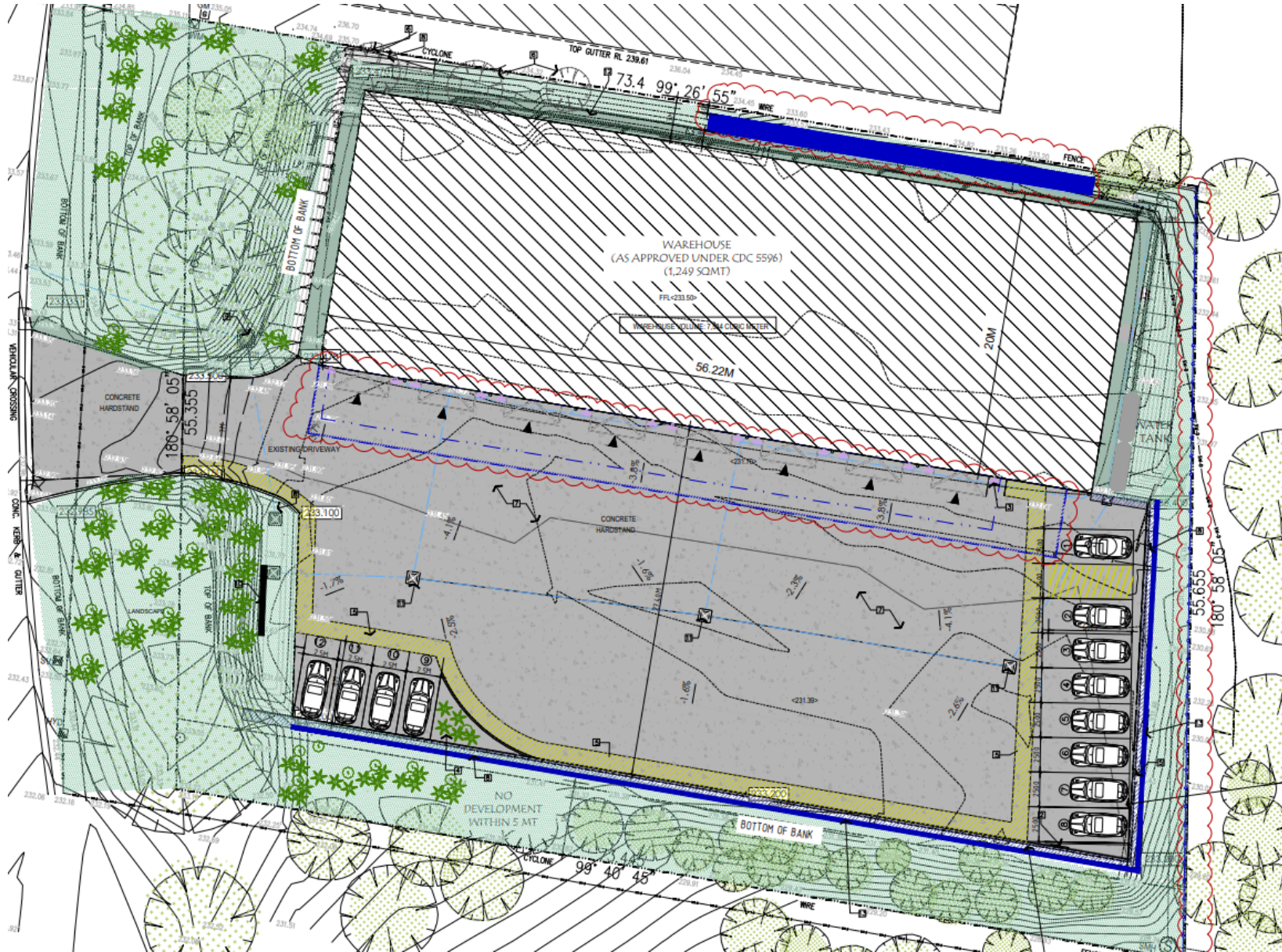


Figure 3 | Proposed Site Layout

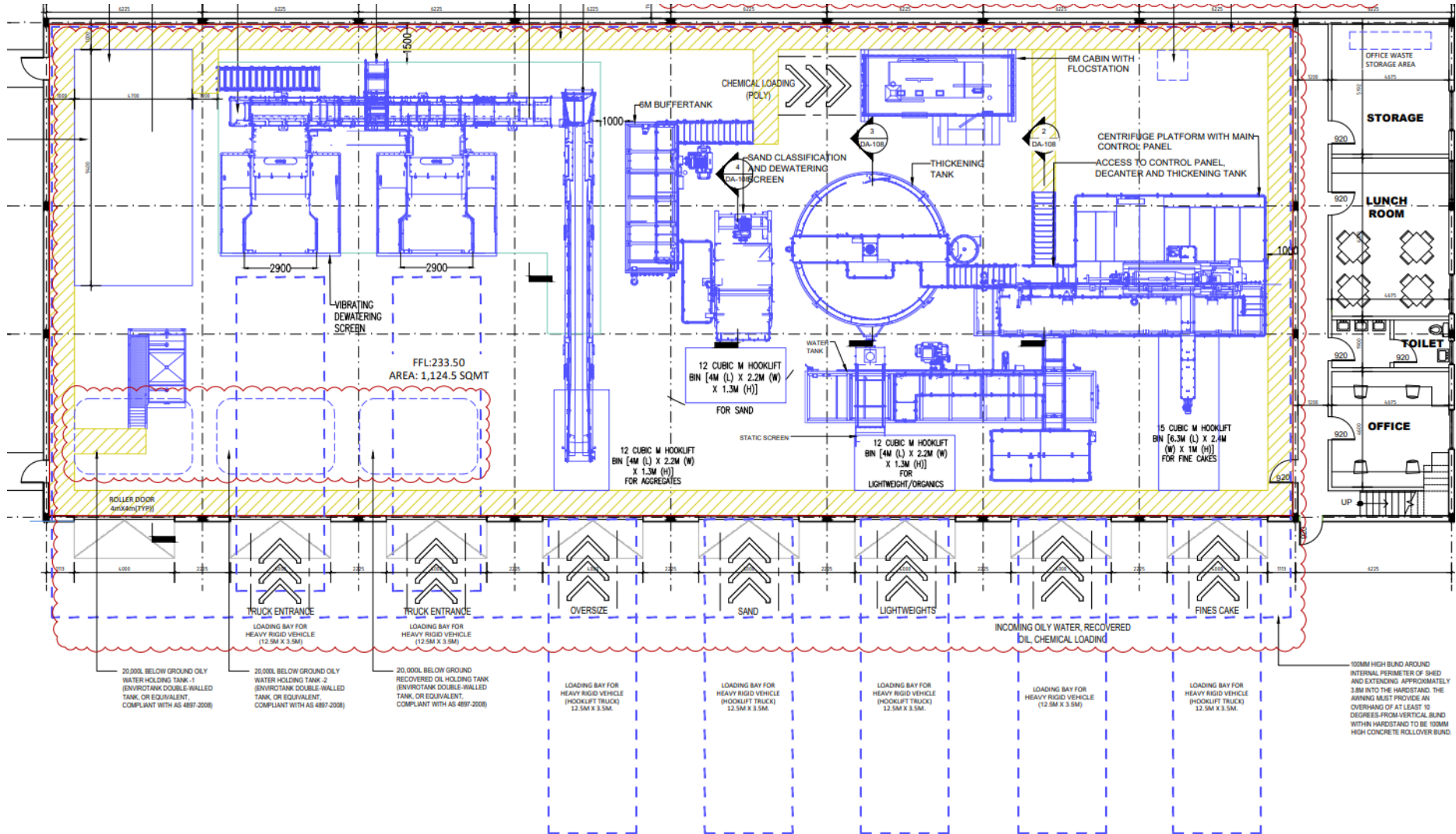


Figure 4 | Proposed Ground Floor Plan

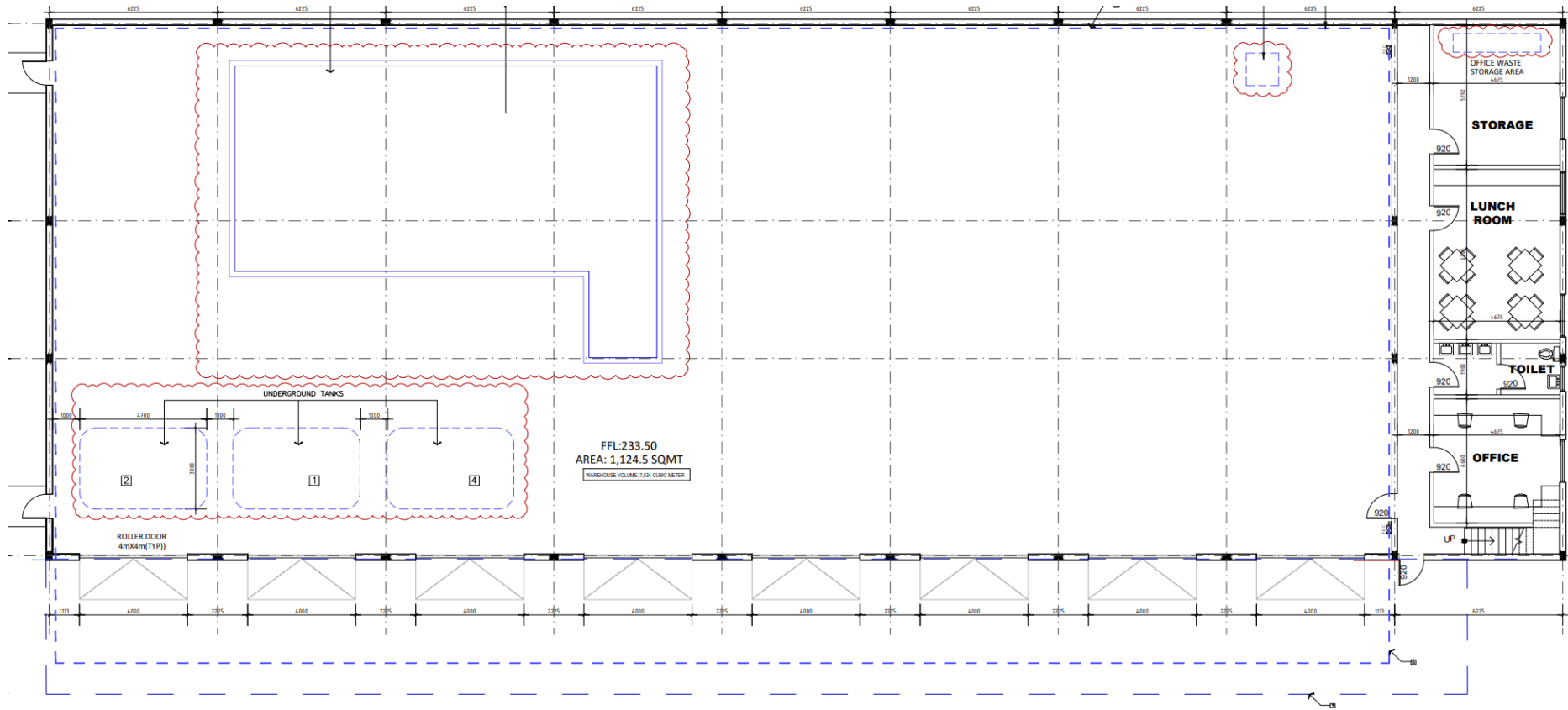


Figure 5 | Proposed Underground Work

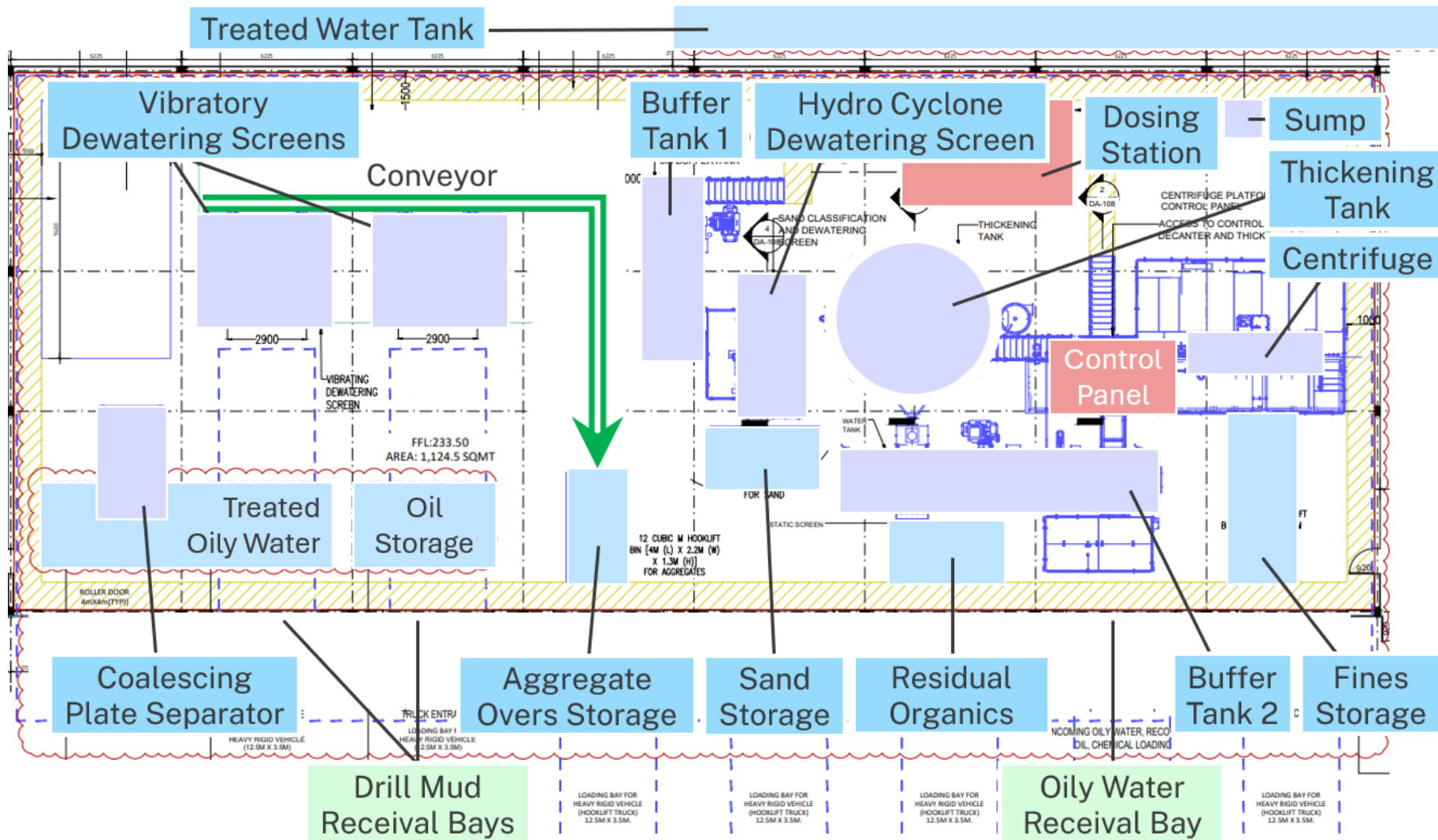


Figure 6 | Treatment Train Plan

2.2 Physical Layout and Design

The physical layout of the development is shown in **Figure 4**, **Figure 5** and **Figure 6**. The existing 1,300 m² warehouse and office building occupies the northern portion of the site, while the hardstand area occupies the southern portion. All processing and storage of waste, and some loading and unloading activities would be undertaken within the warehouse. Heavy vehicle manoeuvring and worker car parking would be accommodated on the adjacent concrete hardstand.

A 5 m-wide awning would be installed along the southern face of the warehouse to ensure that all loading and unloading activities are covered. Concrete rollover bunding would be installed around the entire building and a 3.8 m area of adjoining hardstand to contain spills around the loading and unloading area, and operational area. A 3.5 m high, 28 m long, 1.25 m wide internally banded tank for storage of treated drill mud water would be installed alongside the northern wall of the warehouse.

Acoustic attenuation would be achieved with the addition of cavity noise insulation to building walls and ceiling, high performance roller doors, and a 3 m-high noise wall along the southern and eastern boundaries of the hardstand.

2.3 Waste Process

Vehicles delivering waste would be directed to the relevant unloading bay for receipt of oily water or drill mud. Incoming loads of oily water would be discharged to a storage tank for later processing, while incoming drill mud loads would not be stored at the site and instead immediately directed to the process system at the time of delivery.

Incoming loads of drill mud would be accompanied by a site contamination assessment confirming there is no known or potential contamination of the source site. If this assessment is not provided, laboratory testing of the waste will be required prior to acceptance to confirm nil presence of asbestos and that the waste meets the criteria in *The treated drilling mud order 2014*.

Incoming loads of oily water would only be accepted from sites that have either a regular characterisation and validation testing regime, or are tested ad-hoc prior to waste receipt, in a National Association of Testing Authorities (NATA) accredited laboratory, to ensure compliance of treated oily water with Council's trade waste policy in relation to suspended organic and inorganic compounds and metals.

The treatment processes following receipt are shown in **Figure 6**. Incoming wastes are shown in green, storage for incoming waste in red, process equipment in purple, recovered materials in blue and product destinations in yellow.

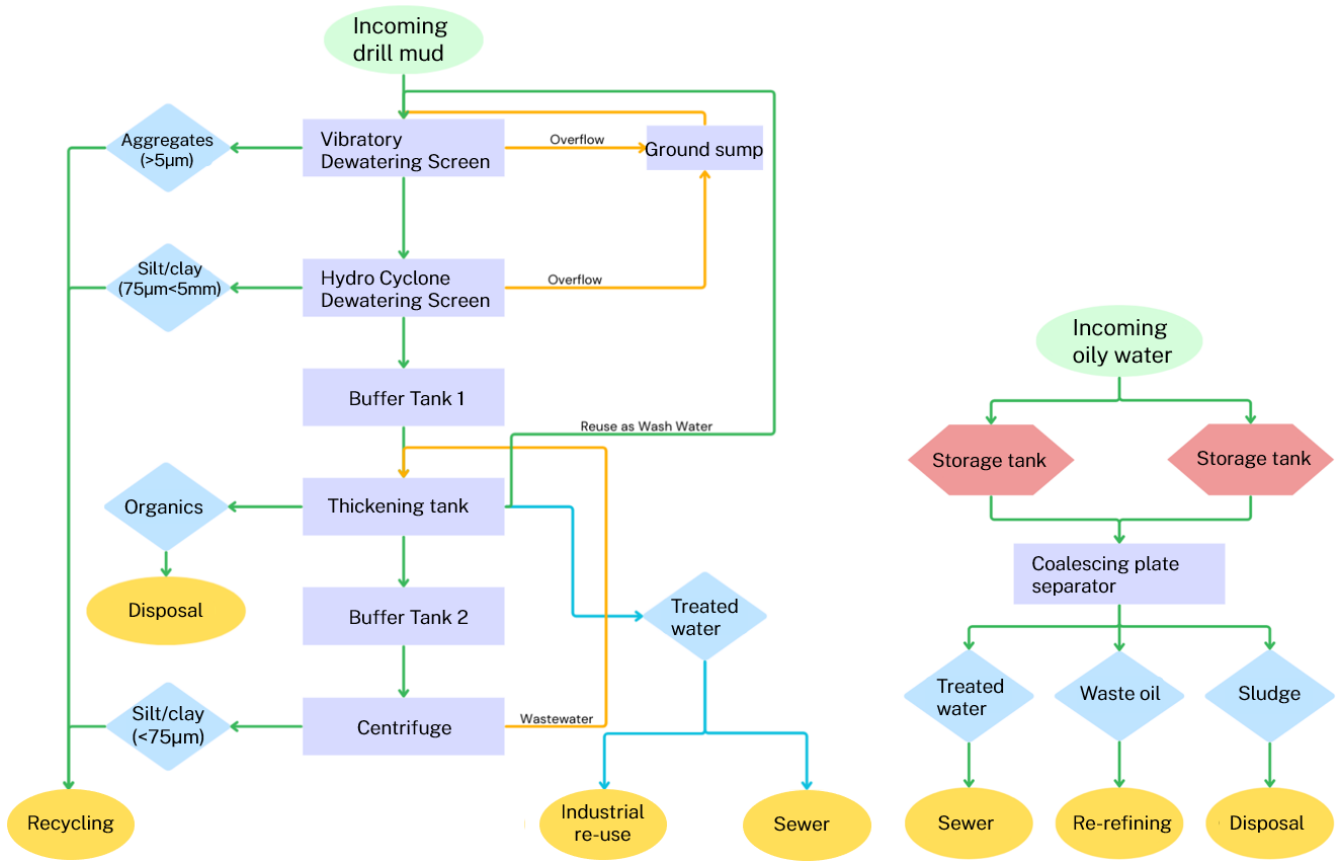


Figure 7 | Waste Process Flow Diagram

2.3.1 Drill Mud Process

1. The drill mud liquid waste stream is received and directed to a vibratory dewatering screen. Oversize aggregate is separated from wastewater in this process then deposited into a hook lift bin via conveyor, which is then dispatched for beneficial reuse.
2. Wastewater is then directed to the hydro cyclone dewatering screen, where sand is separated and deposited into a hook lift bin, which is dispatched for beneficial reuse. Output wastewater is directed to Buffer Tank 1 in preparation for treatment.
3. Wastewater is directed to the thickening tank and dosed with treatment chemicals. Residual organic waste is removed at this step for further recycling or disposal to a licenced facility. Treated wastewater is directed to the treated drill mud water storage tank, and sludge-laden residual wastewater is transferred to Buffer Tank 2.
4. Sludge-laden wastewater is directed to the centrifuge from which silt/clay is deposited into a hook lift bin, which is dispatched for beneficial reuse. Residual wastewater from the centrifuge is directed to the thickening tank and reverts to Step 3 for retreatment.
5. Treated non-potable water is directed either to sewer under a Trade Waste Agreement (TWA) with Council or is recovered and dispatched by tanker for industrial reuse.

Solid waste products recovered from the drill mud process may be suitable for application to land, provided processing meets the requirements of *The treated drilling mud order 2014*. Reuse off-site of recovered non-potable water will require the Applicant to seek a specific resource recovery order and exemption from the EPA, and any wastewater that does not meet the requirements of a resource recovery order and exemption must be disposed to sewer under a TWA.

2.3.2 Oily Water Process

1. Oily water is received into an oily water storage tank.
2. Oily water is fed to the coalescing plate separator, which separates treated water, waste oil and sludge to storage tanks. Dewatered waste oil is dispatched for re-refining, and waste oily sludge is dispatched for disposal to a licenced facility, while treated wastewater from this process is not suitable for reuse and must be discharged to sewer under a TWA with Council

2.4 Applicant's Justification for the Development

Recycling facilities for the proposed drill mud and oily water waste streams are available in Sydney, however transportation costs can lead to resource recovery being unviable for waste generated in the Central Coast region, where the Applicant has advised there are currently no similar operational facilities.

The Applicant has advised that growing demand for recycling and the resources available for recovery from drill mud and oily water processing provides a business opportunity for them which can reduce these waste streams entering landfill, and reduce transport costs and emissions.

The facility would also create operational jobs, enable beneficial industrial reuse of some treated wastewater and contribute to the goals of the *NSW Waste and Sustainable Materials Strategy 2041* through increased recovery of aggregates and waste oil.

3 Strategic Context

3.1 Key Strategic Issues

The consistency of the development with key relevant strategies, plans and policies relevant to the assessment of the development are outlined in **Table 2** below.

Table 2 | Summary of Key Government Strategies, Plans and Policies

Strategy, Plan or Policy	Comments
<p>Central Coast Regional Plan 2041</p>	<p>The Central Coast Regional Plan 2041 (the Region Plan) is a land use plan that forms part of the integrated planning framework for The Central Coast region.</p> <p>The development is located within the Central Coast Region and is consistent with the directions, principles and priorities outlined in the Region Plan, specifically reducing waste, minimising resource use, and transitioning toward a circular economy that maintains the value of products and materials.</p>
<p>NSW Waste and Sustainable Materials Strategy 2041</p>	<p>The NSW Waste Avoidance and Sustainable Materials Strategy 2041 adopts targets from the National Waste Policy Action Plan, including:</p> <ul style="list-style-type: none"> • an 80% average recovery rate from all waste streams, and • significantly increase in the use of recycled content by government and industry. <p>The proposal would contribute towards NSW meeting the 80% target for recycling through increased resource recovery by fitting-out and operating a drill mud and oily water recycling facility at the site, increasing opportunity to recover materials for beneficial reuse.</p>
<p>NSW Circular Economy Policy Statement 2019</p>	<p>The EPA prepared the Circular Economy Policy Statement in 2019 sets out principles for transitioning NSW towards a circular economy. The development is consistent with these principles as it contributes to maintaining the value of products and materials, sustainably managing resources and creating new circular economy jobs.</p>
<p>NSW Water Strategy</p>	<p>The NSW Water Strategy is the overarching guideline for maintaining resilience of the state’s water services and resources over coming decades while the population is growing and the climate is changing.</p> <p>The development specifically addresses the strategy’s intent to expand rainfall independent water sources and adopt recycling of water from commercial and industrial waste streams by recovering treated water from the drill mud process for industrial reuse.</p>

Strategy, Plan or Policy	Comments
Central Coast Council Local Strategic Planning Statement (LSPS)	<p>The Interim <i>Central Coast Local Strategic Planning Statement: The Framework For a Growing Central Coast Region</i> forms the basis for strategic planning in the LGA. The development is consistent with the planning priorities of encouraging development within the Somersby to Erina Corridor and supporting local employment opportunities. The LSPS also cites waste as a key planning priority for Council, which operates the key landfills within the LGA, where it sees further opportunities for resource recovery and is supportive of private sector investment in this infrastructure.</p>

4 Statutory Context

4.1 Permissibility and Assessment Pathway

Details of the permissibility of the development and the assessment pathway under which consent is sought are provided in **Table 3** below.

Table 3 | Permissibility and Assessment pathway

Consideration	Description
Permissibility	<p>Permissible with consent</p> <p>Waste or resource management facilities are permissible with consent in the E4 General Industrial zone of the Central Coast Local Environmental Plan 2022</p>
Assessment pathway	<p>State significant development</p> <p>The development is SSD under section 4.36 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as it satisfies the criteria under section 2.6(1) of the Planning Systems State Environmental Planning Policy (SEPP) 2021:</p> <ul style="list-style-type: none"> • the development on the land concerned is not permissible without development consent, and • the development is specified in clause 23 of Schedule 1 of the Planning Systems SEPP, being a waste or resource management facility that treats, stores or disposes of more than 1,000 tpa (being up to 150,000 tpa) of industrial liquid waste.
Consent authority	<p>Minister for Planning and Public Spaces (Minister)</p> <p>The Minister is the consent authority under section 4.5(a) of the EP&A Act.</p>
Decision-maker	<p>Director</p> <p>On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:</p> <ul style="list-style-type: none"> • the relevant local council has not made an objection and • there are less than 15 unique public submissions in the nature of objections and • a political disclosure statement has not been made by the Applicant. <p>In total, the Department received 10 submissions from members of the community, 3 submissions from interest groups and a submission from Council. Of the 13 public submissions received, none objected to the development. Council did not object to the development. No reportable political donations were made by the Applicant in the last</p>

Consideration	Description
	two years. Accordingly, the application can be determined by the A/Director, Industry Assessments, under delegation.

4.2 Other Approvals and Authorisations

Should development consent be granted, other approvals may be required in order to carry out the development. Section 4.42 of the EP&A Act lists a number of approvals that cannot be refused if required to carry out the development and must be approved in a manner that is consistent with any SSD consent granted under the EP&A Act.

The development will require an environment protection licence (EPL) issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

The Department has consulted with and considered the advice of the EPA in its assessment of the development (see **Section 5** and **Section 6**) and has included recommended conditions from the EPA in the conditions of consent.

4.3 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 shown in **Appendix D**.

4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from 25 February 2025 until 24 March 2025. Details of the exhibition process and notifications are provided in **Section 5**.

4.5 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 (section 1.3), including the principles of ecologically sustainable development (ESD). The Department has fully considered these matters in **Appendix D**.

The Department is satisfied that the development is consistent with the objects of the EP&A Act and the principles of ESD.

4.6 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications 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 (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 30 October 2024. The Environment Agency Head and the Team Leader, Industry Assessments as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 20 January 2025.

4.7 Matters of National Environmental Significance

Under the *Environment Protection and Biodiversity Conservation Act 1999*, assessment and approval are required from the Australian 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 will not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Australian Government Department of Climate Change, Energy, the Environment and Water was not required.

5 Engagement

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

5.1 Consultation by the Applicant

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

- letterbox drop to residents and businesses within approximately 500 m of the site
- a community webinar and an in-person information session at the site
- direct communication with adjoining landowners and occupants.

5.2 Consultation by the Department

After accepting the DA and EIS, the Department:

- publicly exhibited the DA and EIS from 25 February 2025 until 24 March 2025 on the NSW planning portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Central Coast Council.

The Department undertook a site visit and met with the Applicant on 14 August 2025.

5.3 Submissions and Advice

During the public exhibition period, the Department received 13 submissions from the public (3 special interest groups, 10 individuals), submissions from Central Coast Council and Ausgrid and advice from four government authorities. Two government authorities provided no comment on the development.

All public submissions were in support of the proposal.

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 C**.

5.3.1 Government Authority Advice

A summary of the government authority advice is provided in **Table 4**.

Table 44 | Summary of Government Authority Advice

Agency	Advice summary
EPA	<p>Advised that insufficient information was provided on how the development would comply with waste record keeping requirements under the <i>Protection of the Environment Operations Act 1997</i> and raised concerns regarding pollutants that may be present in recovered water from the drill mud treatment process.</p> <p>Recommended preparation of a construction noise management plan that includes engagement with receivers that would be adversely impacted by exceedances of criteria in the <i>Interim Construction Noise Guideline</i>, and to implement all reasonable and feasible measures for noise and air quality impact mitigation.</p>
DCCEEW Water Operations Resilience, Local Water Utilities Branch	<p>Noted that the maximum proposed discharge to sewer of 220 kilolitres treated wastewater daily would consume a substantial portion of the sewage treatment plant capacity and recommended prioritising recovery of water for sustainable reuse.</p>
Heritage NSW	<p>Requested that the Applicant produce an Aboriginal Cultural Heritage Assessment which includes consultation undertaken in accordance with <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW).</p>
NSW RFS	<p>Noted that the development would generally be compliant with <i>Planning for Bush Fire Protection</i> subject to adoption of recommendations in the bush fire report. RFS recommended that property access roads comply with <i>Planning for Bush Fire Protection</i> and that essential equipment, fuel tanks and on-site hazardous or combustible material storage should be designed to minimise impacts of bush fire on infrastructure.</p>

The following agencies raised no concerns or provided no comment:

- Transport for NSW
- Fire and Rescue NSW.

5.3.2 Utility Provider Submission

Ausgrid provided comments noting that both underground and overhead powerlines are located in the vicinity of the development which require consideration during works and recommended that the Applicant correspond with Ausgrid directly regarding connection to the electricity network.

5.3.3 Key Issues – Council

Central Coast Council provided comments on the development. Council requested that the Applicant provide additional detail on recording of incoming waste, impacts of proposed bunding on the above ground detention volumes required under the complying development certificate and consider additional opportunities for reuse of treated wastewater. It stated that trade waste discharge to Council’s sewer would require batch discharge with a complete NATA analysis report and that a Section 307 Certificate of Compliance under the *Water Management Act 2000* would be required. It also recommended conditions of consent relating to reporting potential dilapidation of Council assets and preparation of a Construction Traffic Management Plan.

5.3.4 Key Issues - Public Submissions

No submissions received were in objection to the proposal. The key comments raised by the public in support of the project related to economic benefits, contribution to circular economy objectives, potential for reduction in greenhouse gas emissions, and suitability of the site for the facility.

5.4 Submissions Report

Following the public exhibition period, the Department requested the Applicant respond to the issues raised in Council and Ausgrid’s submissions and the advice received from government authorities. The Department also provided comments requesting additional information on water, noise, air quality and traffic. The Applicant provided a Submissions Report to the Department on 19 September 2025 (see **Appendix A**).

The Department published the Submissions Report on the NSW planning portal and forwarded the Submissions Report to relevant government authorities and Council for comment on 25 September 2025.

Plans for the development were not changed in the Submissions Report, however key additional information was provided, including:

- an Aboriginal Cultural Heritage Assessment Report (ACHAR)
- works-as-executed plans for the existing development at the site
- addendum assessments of noise and vibration, soil and water, traffic and transport, a risk assessment for reuse of recovered water and a maximum electrical demand report

After accepting the Submissions Report, the Department noted that the ACHAR provided was incomplete and evidence of consultation with Registered Aboriginal Parties (RAPs) had not been included with the submission. The Department issued a request for additional information to the Applicant on 26 September 2025 requesting submission of an ACHAR including evidence of consultation with the RAPs, and clarification on information in the traffic and transport addendum assessment. A response addressing these issues was received on 30 October 2025, including an

amended ACHAR with evidence of consultation with the RAPs, which the Department subsequently forwarded to Heritage NSW for comment.

A summary of the government authority responses is provided below:

- **Central Coast Council** noted that its previous concerns regarding stormwater and recording of incoming waste had been adequately addressed in the Submissions Report and reaffirmed previously recommended conditions of consent for a dilapidation report and a construction traffic management plan.
- **DCCEE Water** noted that risk of groundwater take and impacts from the development would be low but recommended a condition of consent for the Applicant to obtain a water access licence for predicted water take unless an exemption applies.
- **EPA** commented that the Submissions Report adequately addressed its comments and provided recommended conditions regarding noise.
- **Heritage NSW** was satisfied with the amended ACHAR and recommended conditions to prevent harm to Aboriginal objects and to ensure Aboriginal heritage management procedures including an Unexpected Aboriginal Heritage Finds and Human remains protocol is prepared.

The Department has considered the issues raised in submissions and the Submissions Report in its assessment of the development. A summary of the Department's consideration of community views is provided in **Appendix C**.

6 Assessment

The Department has considered the EIS, the issues raised in submissions, the Applicant's Submissions Report and Additional Information in its assessment of the development. The Department considers the key assessment issue for the development is Water Management.

A number of other issues have also been considered. These issues are considered relatively minor and are assessed in **Section 6.2** below.

6.1 Water Management

The development would recover non-potable water from the processing of drill mud and oily water in the liquid waste recycling plant. The recovered water requires appropriate management to ensure its suitability for reuse or discharge to sewer. The site has an existing stormwater system; however, the Applicant proposes to additionally install mesh stormwater litter baskets and a new awning, which will require connection to that system, and bunding to ensure separation of process wastewater from stormwater run-off. Construction also poses a risk of generating sediment-laden run-off.

The Applicant proposes to treat drill mud received in accordance with *The treated drilling mud order 2014*, with most recovered water transported off-site by tanker truck for industrial reuse. The remainder of treated wastewater from the drill mud and oily water treatment process would be discharged to Council sewer under a TWA. The Applicant has also proposed an oily water treatment process, which would discharge all treated wastewater to sewer, and transport residual oily sludge to a licenced facility for final disposal.

Council noted that its sewer system should be the last resort for disposal of wastewater from the facility and that beneficial reuse of water should be prioritised but determined that capacity is available for the proposed discharge volumes and that both a TWA and Section 307 certificate of compliance under the *Water Management Act 2000* would be required. Council raised that it would require a complete NATA analysis report for each batch of wastewater discharged under a TWA. Council also noted that discharge of per- and poly-fluoroalkyl substances (PFAS) to its sewer system is prohibited.

The DCCEEW Local Water Utilities Branch raised concerns about the impact of the development on Council's sewage treatment capacity and echoed Council's comments on prioritising reuse.

The EPA raised concerns about the potential for contamination and contaminated discharge to waterways from the off-site use of recovered drill mud water, citing likely pollutants that may be present in incoming waste including surfactants, polymers, proprietary chemicals, hydrocarbons, phenols and metals. The EPA also noted that the Applicant had not characterised the quality of recovered non-potable water from treatment of drill mud, that suitability for the proposed industrial

and irrigation end uses had not been demonstrated and that the proposed reuse may not meet the requirements of an existing resource recovery order and exemption.

In response to the EPA's concerns, the Applicant did not provide a characterisation assessment but confirmed that drill mud would only be accepted from sites using hydro-excavation and non-destructive digging methods that do not employ the use of surfactants, polymers or proprietary chemicals in the process. The Applicant proposed a multiple barrier risk-based approach including:

- a 12-month proving period from commencement including a restriction on drill mud receipt to 20,000 tonnes, providing sufficient time to test and characterise a range of influents and complete independent validation of the results
- a quarterly laboratory testing regime for treated wastewater for the duration of the development, once the proving period is completed
- establishment of risk-based performance criteria for the recycling system
- risk assessment for every source of drill mud prior to acceptance, and for any off-site use of recovered water to ensure adequate buffers to sensitive receiving waterways and low risk of human exposure
- commitment that prior to any use of recovered drill mud water for agricultural irrigation, the Applicant will ensure that treated non-potable water for irrigation purposes meets the long-term trigger values for irrigation water in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Volume 1*.

The Applicant committed to seeking a specific resource recovery order and exemption from the EPA for the proposed off-site industrial reuse of non-potable water from the drill mud treatment process.

The Applicant also responded to Council's comments on discharge to trade waste, noting that presence of PFAS is not anticipated in the proposed drill mud influents, and that drill mud would not be accepted from locations where PFAS-containing firefighting foams may have been used in the past; and that an independent validation report would be prepared during the 12-month proving period to provide Council assurance that the ongoing risk to its sewage treatment infrastructure from wastewater discharges is minimal.

The EPA and Council reviewed the Applicant's response. The EPA noted that the Applicant had addressed concerns raised in advice and Council raised no concerns.

The Department has considered the proposed liquid waste acceptance, off-site reuse and sewer discharge of wastewater, and alterations to stormwater infrastructure and has reviewed advice received. The Department has recommended preparation of a Waste Management Plan and Waste Monitoring program which incorporates the Applicant's proposed mitigation and management measures and must be implemented for the life of the development to ensure adequate

characterisation of pollutant loads and achieve outcomes required by a TWA and a future specific resource recovery order and exemption for use of recovered drill mud water. The Department also requires the Applicant to enter into a TWA with Council prior to any discharge of wastewater to sewer, and for the Applicant to discharge to sewer any wastewater that is not transported for off-site reuse.

The Department considered the DCCEEW Water Group’s recommendation for a condition of consent requiring the Applicant to obtain a Water Access Licence or confirm an exemption, but no water take is proposed or anticipated, and the Department considers that as such, no condition is required regarding a Water Access Licence.

The Department notes that the Applicant’s proposed stormwater diversion and treatment changes are an improvement on existing site conditions and deliver upgrades for proposed waste handling areas, with the provision of an awning over loading bays and installation of bunding minimising potential for additional wastewater generation from runoff. To ensure modifications to the stormwater system are effective, the Department requires the Applicant to finalise the design of the stormwater management infrastructure prior to construction works on the infrastructure commencing. The Department has also recommended a condition for installation of suitable sediment control measures prior to any construction work or surface disturbance.

The Department’s assessment concludes that subject to the recommended conditions of consent and the Applicant’s mitigation and management measures that the development has adequate water management in place to minimise potential for environmental impacts and that impacts to Council’s sewage treatment capacity are minimised through the proposed recovery of treated wastewater.

6.2 Other Issues

The Department’s consideration of other issues is summarised in **Table 5** below.

Table 5 | Assessment of Other Issues

Findings and conclusions	Recommended conditions
Waste Management	
<ul style="list-style-type: none"> The development includes acceptance of multiple waste streams which require appropriate management to ensure incoming waste is pre-classified and screened for potential contamination. The development would accept up 150,000 tpa of liquid waste, with 100,000 tpa being drill mud and 50,000 tpa being oily water, and store up to 550 kL of liquid waste and approximately 102 t of solid waste at any one time. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> limit receipt of waste to below 100,000 tpa drill mud and 50,000 tpa oily water limit storage of waste to 550 kL liquid and 102 t solid waste at any time

Findings and conclusions	Recommended conditions
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- Oily water would only be accepted from service stations, mechanic workshops, and car and truck washes where oily contamination is from fuels and oils.
- Incoming drill mud waste would be accepted and solid waste products recovered under *The treated drilling mud order 2014* and associated exemption.
- Outputs from the proposed waste processing include treated wastewater (discussed in Section 6.1), solid aggregates, organics, oil and oily sludge.
- The EPA raised concerns around adequacy of information on record keeping and recording requirements and characterisation of pollutants.
- The Submissions Report confirmed that flow meters would be used to measure all liquid waste. Incoming and outgoing oil and oily water would be accepted only if it has been pre-characterised or ad-hoc tested in a NATA laboratory, and its transport would be tracked using the EPA Integrated Waste Tracking Solution – a digital tool for waste operators to track and report on movement of trackable waste. Incoming drill mud screening would be screened in a desktop risk assessment for acid sulfate soil and prior site contamination risk at the waste source site prior to agreement to receive the waste.
- Following review of the additional information in the Submissions Report, the EPA confirmed that it was satisfied with the response provided.
- The Department reviewed the information in the EIS, Submissions Report and advice from the EPA and has recommended preparation of a Waste Management Plan, including a Waste Monitoring Program, to ensure proposed measures for managing all waste streams are kept up to date for the duration of the development and that waste is appropriately classified and monitored.
- The Department’s assessment concludes that, subject to the recommended conditions, the development would adequately manage waste to ensure it is appropriately classified prior to processing at the facility, recovered materials are suitable for the proposed end use, and residual waste is disposed of appropriately.

- prepare a Waste Management Plan and Waste Monitoring Program

Noise and Vibration	
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- Vehicle movements, waste processing activities and construction have the potential to cause offsite noise impacts if not appropriately mitigated and managed.
- The EIS included a Noise and Vibration Impact Assessment (NVIA) with the EIS, prepared in accordance with the EPA *Noise Policy for Industry* (NPfI) and

Require the Applicant to:

- construct the proposed 3 m-high noise barrier
- undertake construction and fit-out during

Findings and conclusions

Recommended conditions

the *Interim Construction Noise Guideline* (ICNG) and the *NSW Road Noise Policy* (RNP).

- The NVIA modelled worst case construction activity noise and found that Noise Management Levels (NML) in the ICNG would be exceeded at two residential properties (+13 dB at R01 and +3dB at R03). The NVIA noted that the worst-case noise environment would be limited to a maximum of two weeks during the construction period.
- The NVIA included an inventory of operational noise sources, including indoor processing activities and loading and unloading activities. The NVIA identified the main contributor to operational noise impacts as internal waste processing activities.
- The NVIA identified that without mitigation, the development would cause operational exceedances of relevant Project Noise Trigger Levels at two residential properties (up to +9 dB at R01 and +2dB at R03). The NVIA recommended a range of mitigation and management measures, including acoustic treatment of façades and the roof, high performance roller doors, and a 3 m noise barrier along the southern and eastern site boundaries.
- With mitigation measures in place, the NVIA predicted compliance with relevant noise criteria at all receivers during operation of the development.
- The assessment of road noise determined that the development would meet the RNP criteria.
- The EPA raised concerns regarding the predicted construction noise exceedances and recommended the Applicant prepare a Construction Noise Management Plan. Council noted the construction NML exceedances but did not raise any concerns regarding operational noise and was satisfied that the construction noise impacts above would be relatively brief.
- The Applicant submitted an addendum to the NVIA to respond to additional information requested by the Department. The addendum clarified assumptions regarding plant operation, building design and materials, and heavy vehicle movements.
- The NVIA addendum also noted that the most-affected receiver, located directly to the south of the site (R01), had been rezoned for industrial land uses since preparation of the NVIA and industrial noise criteria would therefore apply, meaning the construction and operational exceedances at that receiver would not occur with or without the proposed mitigation. However, all recommended noise mitigation measures were still proposed, including the noise barrier to manage noise at other receivers.

standard construction hours

- comply with operational noise limits at nominated receivers
- prepare a Construction Noise Management Plan.

Findings and conclusions

Recommended conditions

- The Department considers that NVIA together with the addendum have adequately assessed both construction and operation related noise impacts from the development and has recommended conditions restricting hours of work and operational noise emissions, construction of the noise walls prior to operation and the preparation of a Construction Noise Management Plan.
- The Department concludes that, with the proposed mitigation measures and recommended conditions in place, the project would not cause unacceptable noise impacts at nearby sensitive receivers.

Air Quality and Odour

- Receiving and processing of drilling mud and oily water has the potential to generate dust and odour, and construction work has potential to generate dust emissions.
- The EIS included an Air Quality Impact Assessment (AQIA) prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*.
- The AQIA included a qualitative assessment of construction impacts which identified that there was a negligible risk of dust soiling and dust impacts to human health due to the small scale of dust-generating construction activity and most works taking place inside the existing warehouse building.
- Operation would generate particulate emissions from stockpiled aggregates, loading and unloading, movement and mixing of materials during waste processing, truck movements and vehicle exhaust. Odour may be generated from transfer of waste materials and in the wastewater treatment process, however, the oily water process is fully enclosed and drill mud not containing acid sulfate soils are generally not odorous.
- Quantitative assessment of operational impacts identified that the development inclusive of cumulative impacts would comply with emissions criteria for PM_{2.5}, PM₁₀, total suspended particles and deposited dust at all receivers.
- Modelled odour emissions at all receivers and within the development were below 2 odour units, complying with the relevant impact assessment criteria.
- While impact assessment criteria were demonstrated to be met, the AQIA proposed implementing mitigation measures to minimise dust and odour emissions, including regular sweeping of pavements, washing down of vehicles and covering of all outbound solid loads.

Require the Applicant to:

- minimise dust generation during all works
- install and operate equipment in line with best practice
- ensure the development does not emit offensive odour.

Findings and conclusions

Recommended conditions

- The Department raised concerns regarding the lack of assessment of Volatile Organic Compounds (VOCs) and heavy metal emissions in the AQIA, as these were noted as present in incoming waste streams but not included in air quality modelling.
- The Submissions Report responded to the Department's concern and stated that incoming waste streams would be pre-screened to ensure VOCs and heavy metal loads are within Council's Trade Waste Agreement acceptance criteria, which for these pollutants is below the level that would generate emissions.
- The EPA recommended that despite modelling indicating impacts would be minor, the Applicant should implement all reasonable and feasible measures to manage air quality for the duration of the development and noted that dust and odour impacts would be managed via an EPL.
- The Department considers the predicted air quality and odour impacts would be acceptable and has recommended conditions requiring minimisation of dust generation, installation and operation of equipment in line with best practice, and for the development to not emit offensive odour.
- The Department's assessment concludes that potential air quality impacts would be acceptable and would be adequately managed by the Applicant, subject to the implementation of the recommended conditions and adoption of the proposed mitigation and management measures.

Traffic and Access

- The development is proposed to accept up to 150,000 tpa of liquid waste and dispatch recovered and residual waste materials from site, which could lead to traffic impacts on surrounding road network. Additionally, traffic movements within the site need to be appropriately managed.
 - The EIS included a Traffic Impact Assessment (TIA) prepared in accordance with the *Guide to Traffic Generating Developments*. Waste delivery and collection would be handled by 12.5 m heavy rigid vehicles, comprising tankers and hook lift skip trucks. The TIA identified the development would generate 100 heavy vehicle movements per day, as well as 24 light vehicle movements per day across three shifts. The TIA also included consideration of construction traffic which was found to be negligible.
 - The TIA included SIDRA modelling which showed that all key intersections would remain at Level of Service A and concluded that the development would have minimal impact on the local road network. The TIA also noted that site
- Require the Applicant to:
- prepare a CTMP and OTMP.

Findings and conclusions

Recommended conditions

access arrangements comply with relevant Australian Standards and can operate in a safe manner and that parking provision is adequate.

- The Applicant submitted an addendum to the TIA to respond to issues raised by the Department, clarifying that offsite queuing would not be required, heavy vehicle reversing can be managed to ensure pedestrian safety, and swept paths are workable when loading bays are in use, but that use of certain loading bays would prevent concurrent use of other loading bays.
- Council did not raise any concerns regarding traffic and access and recommended a Construction Traffic Management Plan (CTMP).
- The Department considers the submitted TIA and addendum have adequately assessed the potential traffic impacts of the development.
- The Department has recommended preparation of a CTMP to manage potential construction impacts and an Operational Traffic Management Plan (OTMP) to ensure proper management of internal vehicle movements.
- Subject to the recommended conditions, the Department is satisfied that the development would not cause adverse traffic impacts and vehicular access would be appropriately managed.

Bushfire

- The site is mapped as bushfire prone land vegetation buffer and has areas of Category 1 bushland adjoining the eastern boundary, within the unformed road reserve adjoining the south of the site and on the opposite side of Somersby Falls Road to the west.
- A Bushfire Assessment Report (BAR) for the development concluded the development would comply with *Planning for Bushfire Protection 2019* (PBP). The EIS additionally included a bushfire emergency management and evacuation plan.
- The BAR recommended the site be managed as an inner protection area. The emergency plan for the development includes procedures for bushfire evacuation and management planning.
- RFS reviewed the BAR and noted that it had generally demonstrated compliance with PBP but recommended that the Applicant additionally consider the design and housing of essential equipment and combustible material storage to minimise impacts in bush fire emergencies, and to ensure access roads are compliant.
- The Applicant's Submissions Report confirmed that design of combustible material storage is in accordance with Australian Standard AS 1940, which

Require the Applicant to:

- Implement BAR recommendations to ensure compliance with PBP.

Findings and conclusions	Recommended conditions
<p>considers fire protection; that storage of combustible oil and oily water waste would be adequately separated from bushland; and that access roads achieve acceptable solutions for all performance criteria in PBP. The RFS reviewed the Submissions Report and made no further comment.</p> <ul style="list-style-type: none"> The Department recommends implementation of the BAR recommendations including management of the site as an inner protection area as a condition of consent to ensure compliance with relevant PBP provisions. The Department's assessment concludes the bushfire risks of the development have been adequately addressed. 	
Hazards and Risk	
<ul style="list-style-type: none"> The site will store up to 61,400 kg of oil and oily water and small volumes of antifoam, flocculants and coagulants for wastewater treatment, which could pose a safety risk if not properly managed. The EIS included a preliminary risk screening of proposed storage quantities of dangerous goods (DG) per <i>Applying SEPP 33</i> which showed that the DG stored at the development would not exceed SEPP 33 thresholds and a Preliminary Hazard Analysis was not required. The Applicant consulted with Jemena Gas Networks which advised of a low-pressure gas pipeline within the Somersby Falls Road alignment and that provided works are confined within the site, it has no objection to the development. The Department is satisfied the Applicant has demonstrated the proposed development will not store hazardous materials above <i>Applying SEPP 33</i> thresholds and that risks can be adequately managed. To ensure proper handling of Dangerous Goods (DG) onsite, the Department recommends a condition of consent for all DGs (as Defined by the Australian Dangerous Goods Code) to be stored and handled per relevant Australian Standards and EPA requirements The Department's assessment concludes that hazard management will be effectively addressed through the implementation of the recommended conditions. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure quantities of dangerous goods do not exceed the screening thresholds in the <i>Applying SEPP 33</i> guideline store all chemicals, fuels and oils used on-site in accordance with the relevant Australian Standards and the EPA <i>Storing and Handling of Liquids: Environmental Protection – Participants Handbook</i>
Heritage	
<ul style="list-style-type: none"> The EIS was submitted with a due diligence assessment of Aboriginal heritage and details of non-Aboriginal heritage register searches. The due diligence assessment noted 8 Aboriginal sites within 1 km of the site but concluded that 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> implement an unexpected finds

Findings and conclusions	Recommended conditions
<p>none were recorded within the site and that an Aboriginal Heritage Impact Permit application is not required. The EIS concluded that there would be no impact on off-site nearby State and local heritage items, “Belbourie” house at 92 Howes Road, and the remains of “Belltrees” house at 278 Wisemans Ferry Road, located 630 north-west and 750 m north-east of the site, respectively.</p> <ul style="list-style-type: none"> • Heritage NSW reviewed the EIS and recommended preparation of an Aboriginal Cultural Heritage Assessment (ACHAR) that includes consultation undertaken in accordance with <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW). • The Applicant provided an Aboriginal Cultural Heritage Assessment Report for the site as part of the Submissions Report, which the Department reviewed. The ACHAR did not include the outcomes of consultation with Registered Aboriginal Parties (RAP), and the Department requested the Applicant provide an updated version to address this. The Applicant prepared an amended ACHAR in accordance with relevant guidelines. • The ACHAR found no Aboriginal sites or potential archaeological deposits on the site, noting its previous disturbance for industrial activities and recommended an unexpected finds protocol be in place during construction. • Heritage NSW reviewed the amended ACHAR and advised that it adequately addressed its prior comments, and recommended conditions to avoid harm to Aboriginal objects, and to ensure a construction phase unexpected finds protocol is in place. • The Department considers the ACHAR sufficiently addresses the requirements of the guidelines and there would be no impact from the development on non-Aboriginal Heritage. To ensure the ongoing avoidance of harm to Aboriginal objects, the Department has recommended conditions of consent requiring implementation of an Aboriginal heritage Unexpected Finds Protocol. • The Department concludes that the development would not impact on Aboriginal or non-Aboriginal heritage, subject to the recommended conditions. 	<p>protocol for construction works</p>
<h3>Contamination</h3>	
<ul style="list-style-type: none"> • The development includes minor construction works related to installation of underground tanks, bunding and an awning that may result in disturbing contaminated materials. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare an unexpected contamination finds

Findings and conclusions**Recommended conditions**

- The Applicant submitted a Detailed Site Investigation (DSI) prepared prior to the construction of the warehouse and hardstand that found that the site is suitable for the proposed land use.
- The EPA did not raise any concerns regarding contamination of the site.
- The Department considers the DSI has adequately assessed contamination at the site.
- The Department has recommended a condition requiring the Applicant to prepare an Unexpected Finds Protocol for managing any contamination encountered during excavation works.
- Subject to the recommended conditions, the Department is satisfied the site is suitable for the proposed land use.

protocol for the construction works

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 ESD.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the Environmental Planning Instruments (EPI) that apply to the development, advice received from the relevant public authorities, including Council, and submissions from the public.

None of the State government authorities, Council or the community have objected to the proposal and the Department has sought to address any issues raised through consultation with both the government authorities and the Applicant.

The Department's assessment identified the key issue as water management and concluded:

- implementation of a waste management plan and waste monitoring program incorporating the Applicant's proposed mitigation and management measures would ensure required treatment outcomes are achieved under a TWA or for recovery of non-potable water for off-site reuse in accordance with a specific resource recovery order and exemption
- subject to conditions and the adoption of the Applicant's management and mitigation measures the development would minimise potential for water pollution while preserving capacity of Council's sewage treatment infrastructure.

The Department has also recommended conditions relating to management of other issues such as waste, noise, air quality, traffic, bushfire, hazards and risk, heritage and contamination. The Department is satisfied the impacts of the development can be appropriately managed, subject to implementation of the recommended conditions of consent.

Overall, the Department's assessment has concluded the development would:

- provide regional capacity for the management of oily water and drill mud waste
- support strategic objectives for increased resource recovery and diversion of waste from landfill, consistent with the NSW Waste and Sustainable Materials Strategy 2041
- contribute to the regional economy with an estimated capital investment value of \$3.1M and generation of 5 direct construction jobs and 17 direct operational jobs.

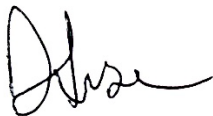
On balance, the Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the EP&A Act, it is recommended that the **Acting Director, Industry Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** 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 listed in the notice of decision
- **grants consent** for the application in respect of Somersby Drill Mud and Oily Water Recycling Facility (SSD-62863964) subject to the conditions in the attached development consent
- **signs** the attached development consent approval (**Appendix E**).

Recommended by:



David Ansen
Planning Officer
Industry Assessments

Recommended by:



Lindsey Blecher
Team Leader
Industry Assessments

9 Determination

The recommendation is **adopted** by:



27 January 2026

Joanna Bakopanos

A/ Director

Industry Assessments

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
Applicant	Lawsan Property Holdings Pty Ltd
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
Council	Central Coast Council
DCCEEW	NSW Government Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure (DPHI)
Development	The development described in the EIS and Submissions Report, as modified by the conditions of consent
DG	Dangerous Goods
DPHI	Department of Planning, Housing and Infrastructure
EIS	The Environmental Impact Statement titled Somersby Drill Mud and Oily Water Recycling Facility (SSD-62863964), prepared by Jackson Environment and Planning Pty Ltd dated 6 February 2025, submitted with the application for consent for the development
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence

Abbreviation	Definition
ESD	Ecologically Sustainable Development
Heritage NSW	Heritage NSW within DCCEEW
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
NATA	National Association of Testing Authorities
NML	Noise Management Levels
RAP	Registered Aboriginal Party
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
TWA	Trade Waste Agreement

Appendices

Appendix A – List of Referenced Documents

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

Environmental Impact Statement

- Somersby Drill Mud and Oily Water Recycling Facility (SSD-62863964), prepared by Jackson Environment and Planning Pty Ltd dated 6 February 2025

Submissions

- All submissions received from relevant public authorities and the general public

Submissions Report

- Somersby Drill Mud and Oily Water Facility (SSD-62863964) Response to Submissions Report, prepared by Jackson Environment and Planning Pty Ltd and dated 18 September 2025

Additional Information

- Re: Response to Request for Additional Information – Somersby Drill Mud and Oily Water Recycling Facility prepared by Jackson Environment and Planning Pty Ltd dated 30 October 2025

Statutory Documents

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

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/projects/somersby-drill-mud-and-oily-water-recycling-facility>

Appendix B – Submissions and Government Authority Advice

All submissions and government authority advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/somersby-drill-mud-and-oily-water-recycling-facility>

Appendix C – Community Views for Draft Notice of Decision

The Department received 13 submissions from the public, all of which were in support of the proposal.

Table 6 6 | Key Issues and How They Have Been Considered

Issue	Consideration
The community commented on various potential benefits to the proposal	Positive impacts raised in submissions included economic benefits, employment opportunities, contribution to circular economy objectives, the potential for reduction in greenhouse gas emissions from transportation and the suitability of the site for the proposal. The Department has reviewed the submissions received and considered the positive impacts raised in public submissions as part of the assessment. No specific conditions are required.

Appendix D – Statutory Considerations

Table 77 | Mandatory Matters for Consideration

Matter for Consideration	Department's Assessment
Environmental planning instruments, proposed instruments and development control plans	The Department's consideration of the relevant EPIs (including draft instruments subject to public consultation under the EP&A Act) is provided in Appendix D .
EP&A Regulation	The Department has assessed the development in accordance with all relevant matters prescribed by the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), the findings of which are contained in this report.
Likely impacts	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.
Suitability of the site	The site is suitable for the development as a waste or resource management facility. The proposed land use is permissible with consent in the E4 zone under the Central Coast Local Environmental Plan 2022 (CCLEP).
Public submissions	All matters raised in submissions have been summarised in Section 5.3 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
Public interest	<p>The development would generate up to 5 jobs during construction, 17 jobs during operation and direct approximately \$3.1 million in capital investment in the Central Coast local government area.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.</p>

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 8** below.

Table 8 8 | Objects of the EP&A Act and How They Have Been Considered

Object	Consideration
<p>(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,</p>	<p>The development would:</p> <ul style="list-style-type: none"> • ensure the proper management and development of industrial zoned land • promote a better environment by increasing recycling of resources otherwise bound for landfill • promote the social and economic welfare of the community by providing 17 ongoing operational jobs.
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The proposed development has considered ecologically sustainable development in its design, including by diverting waste from landfill, constructing bunding to contain potential spills, and incorporating noise mitigation to protect the amenity of sensitive receivers.</p>
<p>(c) to promote the orderly and economic use and development of land,</p>	<p>The development is consistent with the E4 General Industrial zoning objectives under the Central Coast LEP, including provision of a range of facilities and services and meeting the needs of businesses and industries.</p>
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>The Department’s assessment in Section 6 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development could be mitigated and/or managed to ensure an acceptable level of environmental performance.</p>
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The development is to be undertaken within an existing warehouse and the Department has recommended conditions of consent for unexpected finds protocols for Aboriginal heritage.</p>

Object	Consideration
(g) to promote good design and amenity of the built environment,	The development will be undertaken within an existing industrial building which will be upgraded as appropriate for the proposed use and there will be no adverse impact on the design and amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The development will be managed as an inner protection area to meet the requirements of <i>Planning for Bush Fire Protection 2019</i>, and the existing building has been constructed in accordance with the National Construction Code.</p> <p>The Department has recommended conditions of consent to ensure that the construction and maintenance of buildings and structures is in accordance with the requirements of the Building Code of Australia, as well requiring storage of waste materials, oils, fuels and lubricants to be undertaken in accordance with applicable legislation, guidelines, policies and procedures.</p>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department has assessed the development in consultation and with consideration of the technical expertise and advice provided by Council and other government authorities.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The development application was exhibited in accordance with clause 9 of Schedule 1 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment process.</p> <p>The Department publicly exhibited the application as outlined in Section 5 of this report, which included notifying adjoining landowners and displaying the development application on the Department's website.</p>

EP&A Regulation

Part 4, Division 1 of the EP&A Regulation requires the consent authority to consider additional matters for certain developments as part of the matters for consideration under section 4.15 of the EP&A Act.

There are no additional matters in Division 1 of the EP&A Regulation that the consent authority must consider.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is SSD pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development of a waste and resource management facility that will treat, store or dispose of more than 1,000 tpa of aqueous or non-aqueous liquid industrial waste (the facility will treat up to 150,000 tpa of liquid waste), which meets the criteria in Clause 23(6)(b) of Schedule 1 in the Planning Systems SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2 of the T&I SEPP 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 authorities about certain types of development during the assessment process.

The development meets the criteria for traffic-generating development to be referred to TfNSW specified in clause 2.122 and Schedule 3 of the T&I SEPP, as a waste or resource management facility (any size or capacity). The Department consulted with TfNSW as part of its assessment of the application. TfNSW reviewed the EIS and advised that the development would be unlikely to have significant impacts on the classified road network and did not provide detailed comments or recommended conditions.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter 3 of the Resilience and Hazards SEPP 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 offsite receptors.

The development would not store quantities of dangerous goods in excess of the triggers established in the Department's *Applying SEPP 33* guideline and is therefore not considered to be potentially hazardous or offensive.

Chapter 4 of the SEPP aims to provide a State-wide approach to the remediation of contaminated land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment.

The site is not recorded in the EPA contaminated land register, and the detailed site investigation did not identify any significant potential sources of contamination.

To manage residual contamination risks associated with ground disturbance, the Applicant will be required to develop and implement an unexpected contamination finds procedure.

State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)

Chapter 3 of the I&E SEPP 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, in accordance with Schedule 5. The development proposes business identification signage only, to which the signage provisions of the I&E SEPP do not apply.

Central Coast Local Environmental Plan 2023

The Central Coast LEP 2023 aims to foster economic, environmental and social well-being, encourage a range of employment and services to meet the needs of its community, and minimise risk to the community in areas subject to environmental hazards.

The development is located on land zoned E4 – General Industrial under the Central Coast LEP and the area immediately surrounding the site is being utilised for industrial and rural uses. The Department is satisfied the use of a waste or resource management facility is permissible with consent, and the proposed development is consistent with the aims of the Central Coast LEP and the objectives of the E4 zone.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the Central Coast LEP (See **Table 9**) and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of the Central Coast LEP.

Table 9 | Consideration of Provisions in the Central Coast LEP

Objective	Consideration
<p>Section 7.6 – Essential services</p> <p>All services essential for the development are available or that adequate arrangements have been made to make them available</p>	<p>The Department is satisfied that the Infrastructure Management Plan provided by the Applicant demonstrates all required services are available or can be made available.</p>

Objective	Consideration
<p>Section 7.12 – Development in Somersby Business Park</p> <p>The development demonstrates compliance with provisions of the Somersby Industrial Park Plan of Management (SIP POM)</p>	<p>The Department considers that the development is compliant with the provisions of the SIP POM, including:</p> <ul style="list-style-type: none"> • providing employment opportunities within the LGA • appropriate use of an existing cleared site avoiding additional impacts to threatened species and ecosystems • design features that limit the impact to local water quality • avoiding impacts to identified Aboriginal sites or objects.

Appendix E – Recommended Instrument of Consent

The recommended Instrument of Consent can be found at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/somersby-drill-mud-and-oily-water-recycling-facility>