



Planning &
Environment

STATE SIGNIFICANT DEVELOPMENT ASSESSMENT
Glendenning Liquid Waste Treatment Facility
14 Rayben Street, Glendenning
SSD-6767



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979
December 2016

Cover Photograph: JJ Richards & Sons used oil tank farm at Seven Hills
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ABBREVIATIONS AND DEFINITIONS

AHD	Australian height datum
Applicant	JJ Richards and Sons Pty Ltd
CEMP	Construction Environmental Management Plan
Council	Blacktown City Council
DA	Development Application
DAF	Dissolved Air Floatation unit
DCP	Blacktown Development Control Plan 2015
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS for the Glendenning Liquid Waste Treatment Facility
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement for Liquid Waste Facility and Depot at 14 Rayben Street, Glendenning</i> prepared by Duggan and Hede Pty Ltd dated March 2016
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
Minister	Minister for Planning (or delegate)
RMS	Roads and Maritime Services
RTS	Response to Submissions titled <i>Re: State Significant Development – Ref: SSD 6767 Environmental Impact Statement for Liquid Waste Facility and Depot 14 Rayben Street, Glendenning (Lot 123 DP 870988)</i> prepared by Duggan and Hede Pty Ltd dated 27 September 2016
Secretary	Secretary of the Department, or nominee
SEPP	State Environmental Planning Policy
Sensitive receiver	Residence, education institution, health care facility, religious facility and child care facility
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
VOC	Volatile Organic Compounds

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EXECUTIVE SUMMARY

J.J. Richards & Sons Pty Ltd (the Applicant) has lodged a State significant development (SSD) application for a Liquid Waste Resource Recovery Facility at 14 Rayben Street Glendenning, in the Blacktown Local Government Area. The proposed development would have the capacity to treat up to 52,000 tonnes of liquid waste per annum as well as store up to 14 heavy vehicles associated with the operations, overnight. The proposal would also enable the Applicant to transfer its existing grease-trap waste operations at Seven Hills to the site.

The site is owned by the Applicant and is currently operated as a truck maintenance facility and holding yard under a separate development consent issued by Blacktown City Council. The proposed development includes the demolition of the existing industrial building and the construction of two tank farms, one enclosed and the other partially enclosed, an additional driveway, weighbridge, landscaping, carparking, on-site stormwater detention and associated infrastructure. The existing office would be retained. The Department of Planning and Environment (the Department) has recommended the Applicant relinquish its existing consent.

The primary purpose of the proposed development is to process and recover materials from liquid waste for beneficial reuse in the agricultural industry and the reprocessing of used oils for energy recovery and reuse. Residual material generated by the proposed development will be disposed of to appropriately licensed facilities or to sewer as Trade Waste.

The proposal is consistent with the NSW Government's direction in achieving the targets in the *Waste Avoidance and Resource Recovery Strategy 2014-2021*. In particular, it would assist in diverting waste from landfill.

The proposed development has a capital investment value of approximately \$6.9 million and would generate 20 construction jobs and an additional 8 operational jobs on top of the 18 that would be transferred from the Applicant's existing facility.

The proposed development is classified as SSD under Clause 23(6) of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011* because it involves development for the purposes of a liquid waste depot that treats, stores or disposes of industrial liquid waste and:

- handles more than 10,000 tonnes per annum (tpa) of liquid food or grease trap waste; and
- handles more than 1,000 tpa of other aqueous or non-aqueous liquid industrial waste.

Consequently, the Minister for Planning is the consent authority for the development.

The Department exhibited the Environmental Impact Statement for the proposed development from 14 April 2016 to 26 May 2016. A total of seven submissions were received, including five from public authorities and two objections from the general public.

A number of concerns were initially raised by the public authorities primarily in relation to the adequacy of the air impact assessment and odour impacts. However, all concerns were subsequently resolved by the Applicant with the submission of additional information in the Response to Submissions Report (RTS). In addition, the Department consulted with the EPA, Blacktown City Council and the Applicant on the draft recommended conditions of consent. The public authorities have accepted the RTS and consider the development could be approved subject to a number of conditions.

The key issue raised in the general public submissions related to the potential odour impacts. A number of other issues were also raised including potential for contamination of

groundwater, noise and vibration, public health in relation to hazardous materials and traffic impacts.

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are odour and traffic.

The Department's assessment concluded that the impacts can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. The proposed development is located in an established industrial area with sufficient buffer to residential receivers, the potentially odourous components of the facility would be enclosed and vented through an activated carbon filter (or similar) while rigorous monitoring, auditing and reporting requirements would ensure that impacts are identified and managed early should they occur. The proposed development would also meet the relevant noise criteria at sensitive receivers and the facility would provide a range of environmental and economic benefits for the region through resource recovery and the provision of operational jobs. Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

1. BACKGROUND

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD 6767) for the Glendenning Liquid Waste Treatment Facility. The proposed development involves the treatment and storage of liquid waste including grease trap waste, liquid food waste, used oil and industrial oily water. The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from government authorities, stakeholders and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning 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 Glendenning Liquid Waste Treatment Facility has concluded that the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

J.J. Richards & Sons Pty Ltd (the Applicant) is a large Australian-owned waste management company, which provides a variety of solid, hazardous and liquid waste collection services for commercial customers and domestic garbage, recycling, sanitary and green waste collection services for local authorities throughout eastern Australia.

The Applicant proposes to construct and operate a liquid waste treatment facility and depot at its existing truck maintenance depot and truck holding yard at 14 Rayben Street, Glendenning, in the Blacktown local government area (LGA) (see **Figure 1**). The proposal includes the incorporation of activities undertaken at the Applicant's existing grease-trap treatment facility in Seven Hills.

The site is located approximately 35 kilometres (km) north-west of the Sydney CBD and presently operates under a development consent (DA-93-263) issued by Blacktown City Council in 1997 as a truck maintenance workshop, holding yard and ancillary offices.

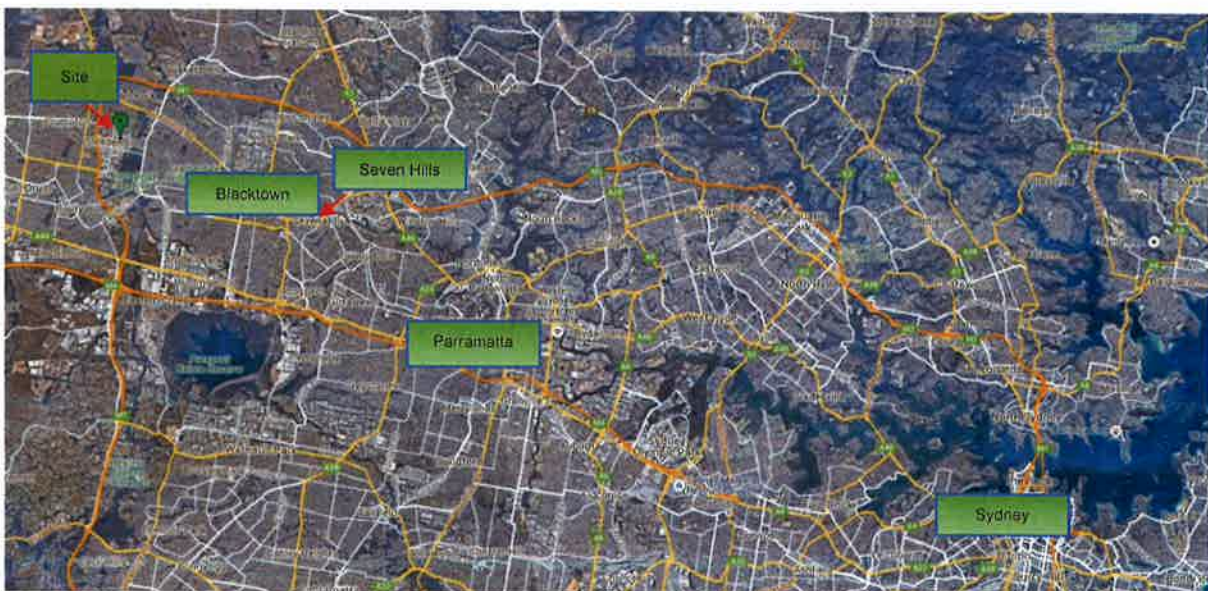


Figure 1: Site Location

1.3 Site Description

The site is 7,214 m² in area and legally described as Lot 123 in DP 870988. The site has a 95 metre (m) frontage to Rayben Street and is accessed via a 10 m wide driveway. An office and an industrial building are located in the site's south-western corner. The remainder of the site consists of bitumen and concrete hardstand with established perimeter landscaping. The concrete area on the eastern side of the site is presently used for parking of up to 15 heavy vehicles and bin storage (see **Figure 2**).

The site is generally flat with a slight fall from west to east and south to north with elevations ranging from 29.46 m Australian height datum (AHD) to 30.49 m AHD. The site is also encumbered by a 2.5 m wide drainage easement along part of the northern boundary.



Figure 2: Existing Site

1.4 Surrounding Land Uses

The site is located on a cul-de-sac in an industrial precinct in Glendenning. It is bounded to the north by a drainage reserve which flows to Eastern Creek approximately 460 m to the east, to the west by a transport and warehousing complex, to the east by Transpacific Industries' waste management facility and to the south by Rayben Street (see **Figure 3**). The Applicant also owns and operates a maintenance workshop, truck holding yard and ancillary offices opposite this site at 7-11 Rayben Street.

The nearest residential receivers are located approximately 430 m to the north in the suburb of Glendenning and 900 m to the east in the suburb of Doonside. The site has access to the

broader sub-regional and regional road network, including the M7 and Richmond Road via Owen Street, a local road, which connects to Power Street, which in turn connects to Knox Road (both sub-arterial roads) and then to Quakers Hill Parkway and the M7.



Figure 3: Site Location and Surrounding Use

2 PROPOSED DEVELOPMENT

2.1 Description of the Proposed Development

The Applicant proposes to construct and operate a liquid waste treatment facility, with the capacity to process up to 52,000 tonnes of liquid waste per annum, at 14 Rayben Street, Glendenning.

The proposed development has a capital investment value (CIV) of \$6.9 million and would generate 20 construction jobs and an additional 8 operational jobs on top of the 18 to be transferred from the Applicant's existing grease-trap waste operations at Seven Hills.

The proposed development is described in the Applicant's EIS, shown in **Figures 4 and 5** and summarised in **Table 1** overleaf.

Table 1: Summary of the proposed development

Aspect	Description
Development Summary	To construct and operate a liquid waste treatment facility with the capacity to process up to 52,000 tonnes of liquid waste per annum.
Demolition	Demolition of the site's existing industrial building and excavation of approximately 2,000 m ² of the site's existing concrete hardstand area.
Buildings and works	• construction of organics building – an area of 520 m² with a height of 10.9 m and a loading bay; • construction of oil storage area - a roof structure with one wall with an area of 664.2 m² and a height of 11 m and a loading bay; • tank farms; • additional driveway (inbound); • weighbridge; and • stormwater treatment devices.
Construction	The initial stage of the development would include: • all civil and building works including bunding and weighbridge; • fire services; • organic waste strainers, pumps, carbon filters, dissolved air floatation unit (DAF) and its enclosure; • a maximum of 420 tonnes of organic tank capacity; • used oil strainers and pumps; and • a maximum of 500 tonnes of used oil and oily water tank capacity, including a 20 kilolitres (KL) capacity non-compliant product tank. Additional plant and equipment would subsequently be installed as follows: • industrial oily water treatment equipment; • additional organic tanks to bring capacity to a total of 540 tonnes; and • additional used oil and oily water tanks to bring total capacity to 800 tonnes.
Waste streams (input)	• store and treat and/or consolidate up to 42,000 tonnes per annum (tpa) of grease trap liquid and liquid food waste (K110 and K120 type wastes*); and • store and treat and/or consolidate up to 10,000 tpa of used oil and industrial oily water (J100 and J120 type waste*).
Equipment	• equipment to be installed in the organics building includes solids strainers, vacuum pump and tanks, activated carbon filter, a DAF unit and enclosure. • equipment to be installed in the oily water structure include a solids strainer, vacuum pump and tanks and a DAF unit.
Outputs	The facility's estimated output would comprise: • discharge to sewer: ○ 15,600 tpa of treated grease trap waste (K110*); and ○ 1,800 tpa of industrial oily water (J120*); • 8,400 tpa of sludge (K110*) removed for disposal or for use as fertiliser; • 18,000 tpa of liquid food waste removed for use as fertiliser; • 8,000 tpa of oily water and used oil (J100*) removed for re-refining or further treatment at an appropriate facility; and • 200 tpa of used oil (J120*) to be removed for re-refining.
Traffic	• 84 heavy vehicle movements per day (42 in and 42 out), including 8 morning peak hour movements (4 in and 4 out); and 52 light vehicle movements per day (13 morning peak movements); • heavy vehicles would comprise a combination of heavy rigid vehicles, semi-trailers and B-Doubles; and • access to the site would be via two separated entry and exit driveways to Rayben Street.
Construction timeframe	• Six months.
Employment	• 8 full time operational jobs on top of the 18 jobs that will be transferred from the Applicant's Seven Hills facility and up to 20 construction jobs.
CIV	• \$6,934,126.
Operating hours	• Truck movements and waste processing – 4 am to 9 pm Monday to Saturday; • Office – 7 am to 6 pm Monday to Saturday; and • Some out of hours works for emergency calls as directed by public agencies.

*J100, J120, K110 and K120 are based on the *Controlled Waste* National Environmental Protection Measure (see Section 2.3 for a description) which have been adapted for use in NSW.

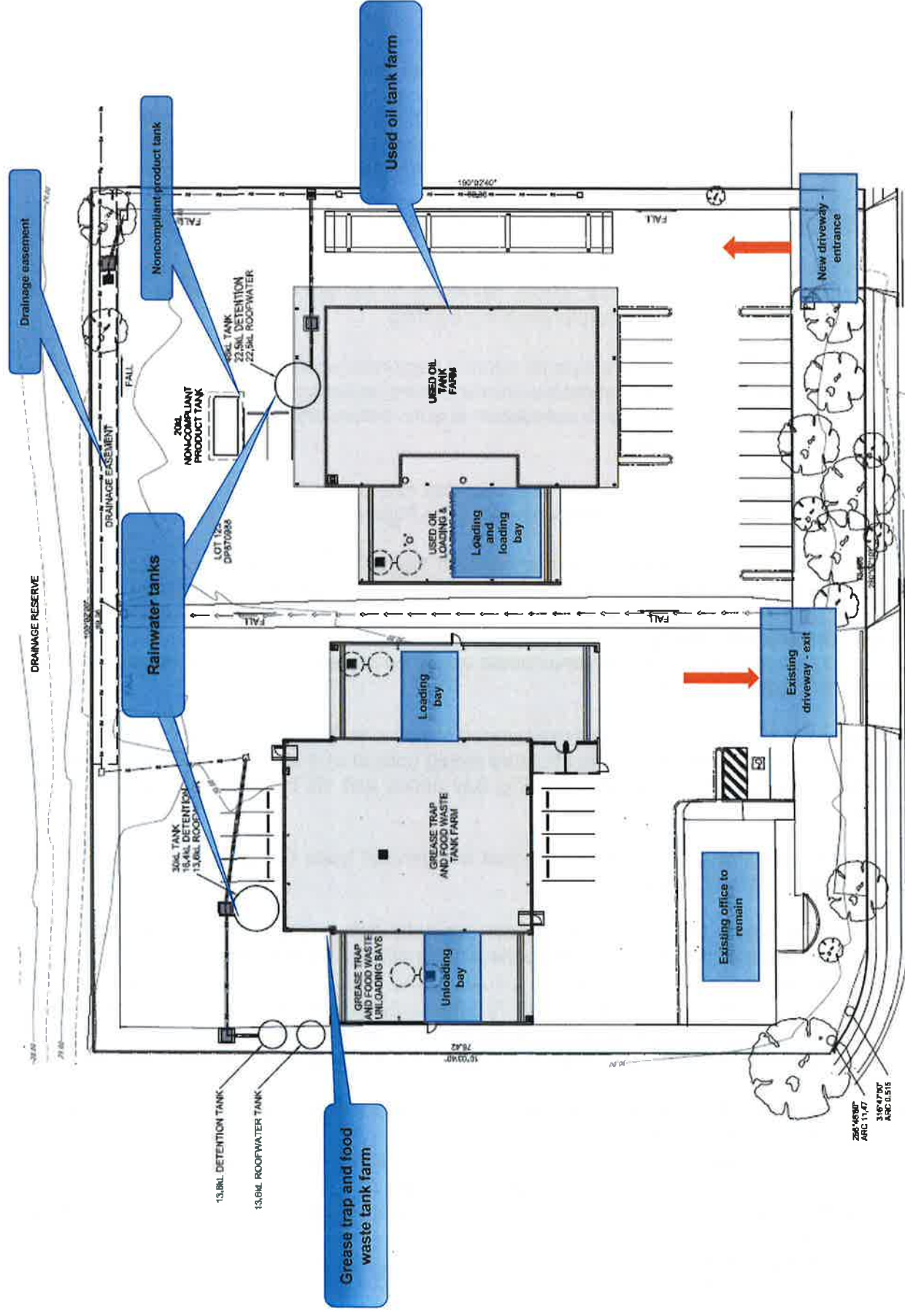


Figure 4 - Layout of the Proposed Development

2.2 Resource Recovery Processes

The primary purpose of the development is to process and recover materials from liquid waste to enable the:

- beneficial reuse of greasetrap and food waste in the cultivation of feed crops on farms in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*, namely the *Grease Trap Waste Exemption and Order 2014* and *Liquid Food Waste Exemption 2014* respectively; and
- aggregation of used oils for their reuse, reprocessing, recycling and energy recovery.

The proposed resource recovery activities are described below according to waste type. Depending on the type of waste, trucks delivering to the site would proceed to either the organics building or the oil storage/processing building.

For all waste types, sales and customer service personnel would evaluate the waste prior to it entering the site to ensure it meets the relevant waste acceptance criteria. All vehicles would undergo a series of pre-start and completion checks before and after waste is pumped into tanks.

Traffic would move through the site in a one-way direction, accessing the site via the new driveway and exiting via the existing driveway (see **Figure 4**).

The resource recovery process commences with the delivery of waste from suppliers to the site, or the pickup of waste from suppliers and delivery to the site by the Applicant.

2.2.1 Organics Building

Up to 42,000 tonnes of liquid organic waste would be consolidated and/or treated per year within the organics building.

The organics building would comprise a bunded organics tank farm with 218 m³ capacity within a steel portal frame structure. The structure would consist of a colorbond roof and walls and would include a loading and an unloading bay annex and six electronically operated roller doors.

The organics building will store and process two general types of liquid wastes: grease trap waste and liquid food waste.

Grease trap waste (K110) – includes both domestic and industrial grease interceptor trap waste. The grease trap waste process generally consists of the following steps:

- the tanker would discharge from the unloading bay through a strainer into a receival tank;
- grease trap waste would be settled for 10 minutes then transferred to a process tank where lime and coagulant would be added to facilitate separation of liquids;
- the sludge component would then be transferred to a sludge tank and the liquids decanted to a water tank;
- polymers would be added to the water tank to accelerate the formation of floc which would then be removed to the sludge tank;
- water would then be pumped into a DAF System which incorporates pH correction and removal of the remainder of the sludge (see **Figure 5**);
- approximately 10 tankers per week would transport sludge from the site for beneficial reuse for the cultivation of feed crops; and
- the treated water would be discharged to sewer under a Trade Waste Agreement with Sydney Water.

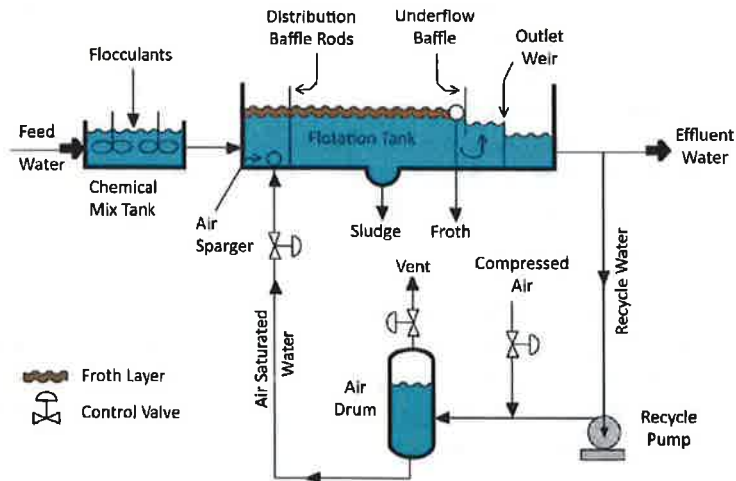


Figure 5 Typical DAF Details

Liquid food waste (K120) – includes vegetable oils and derivatives, vegetable and fruit processing effluent, and other liquid food waste. The liquid food waste process generally consists of the following steps:

- the tanker would discharge into a food waste receival tank;
- liquid food wastes are only stored on site and do not require further processing; and
- approximately 21 tankers per week would transport the consolidated liquid food waste from the site for beneficial reuse for the cultivation of feed crops.

2.2.2 Oil Storage/Processing Area

Up to 10,000 tonnes of oily waste would be processed on site per year, primarily separating the water from the oil.

The used oil area would comprise a bunded oily water tank farm with 300 m³ capacity within a steel portal frame structure. The structure would consist of a colorbond roof and one colorbond wall and a loading and unloading bay annex.

The oil storage/processing area would store and process two types of wastes: used oil and industrial oily water.

Used oil (J100) – includes mineral oils unfit for their original intended use, oil filters, transformer fluids (excluding PCB's) and waste hydrocarbons. The used oil process generally consists of the following steps:

- samples of the waste oil would be taken to determine if the oil meets the relevant criteria (<61°C by a flash test);
- if the sample does not meet the criteria the oil would be unloaded into a non-compliant tank or removed from site immediately;
- if the sample meets the criteria, the used oil would be pumped into a receival tank and water allowed to separate;
- the separated oily water would be removed to an oily water tank;
- oily water would then be transferred to another facility for further treatment and disposal to sewer; and
- the separated used oil would be transported to an appropriately licensed facility for re-refinement.

Industrial oily water (J120) – includes vehicle washwaters, boiler blowdown sludge, cooling tower washwaters, textile effluent and residues, industrial plant washwaters, antifreeze,

oil/hydrocarbon mixed with water and other oily water (including cutting oils and soluble oils). The industrial oily water process generally consists of the following steps:

- the industrial oily water would be pumped into the industrial oily water tank (from the unloading bay) and water allowed to separate;
- the separated oily water would then be transported to an appropriately licenced facility for further treatment and disposal to sewer; and
- the separated oil would be transported to an appropriately licensed facility for re-refinement.

2.3 Applicant's Need and Justification for the Development

Reducing waste and keeping materials circulating within the economy are priorities for the NSW Government. To meet this important challenge, the Government has prepared the *Waste Avoidance and Resource Recovery Strategy 2014-2021* which sets a target for diverting waste from landfill of 75%. The proposed facility would contribute to the State's target.

The Applicant believes the dynamics of the NSW waste industry has changed considerably over the last decade, with the drive to establish and upgrade facilities for liquid resource recovery now making both environmental and economic sense. The key objectives of the proposed development are to:

- reduce the volume of waste going to landfill, by beneficially reusing grease trap and food waste for the cultivation of feed crops on farms; and
- allow for the economic aggregation of used oils for their reuse, reprocessing, recycling; and energy recovery.

The development would also provide a key supply source for Southern Oil's Re-refinery at Wagga Wagga. Southern Oil's refining process produces no waste, creating a near perpetual cycle of use and re-use of a diminishing and finite resource. Every component is reused and 99% of the lube oil component in the waste oil is recovered as high quality lube oil. Production of re-refined lube oil uses 60% less energy compared to the production of crude lube oil, all of which is imported to Australia.

3. STRATEGIC AND STATUTORY CONTEXT

3.1 Strategic Context

The NSW Government has announced the Premier's Priorities which cover 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection and creating jobs. The proposed development would contribute towards creating jobs by providing 20 construction jobs and 8 operational jobs (on top of the 18 that will be transferred from the existing facility at Seven Hills). It also represents a \$6.9 million capital investment that would generate additional jobs in western Sydney.

A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) is the NSW Government's plan for sustainable growth in the Sydney Region. The development is consistent with the goals, directions and actions in the Plan as it will provide additional employment opportunities in close proximity to existing residential developments in western Sydney (Direction 1.4). The Plan notes that Sydney will require additional waste management and recycling infrastructure (Action 4.3.2). The proposed development would assist in achieving this objective.

Draft Central West District Plan

The Greater Sydney Commission has released the draft of six district plans encompassing Greater Sydney which will guide the delivery of *A Plan for Growing Sydney*. The draft district plans set out the vision, priorities and actions for the development of each district. The proposed development is located within the West Central District which is identified as one of the most dynamic and rapidly growing regions in Australia. The proposed development would assist in meeting a waste reuse and recycling action (Action S9) of the draft district plan through supporting the reuse of liquid waste.

3.2 State Significant Development

The proposal is State significant development pursuant to section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purpose of liquid waste depot that treats, stores or disposes of industrial liquid waste and handles more than 10,000 tpa of liquid food or grease trap waste, or handles more than 1,000 tpa of other aqueous or non-aqueous liquid industrial waste. As such, the proposed development meets the criteria in Clause 23(6) of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011*. Consequently, the Minister for Planning is the consent authority for the development.

3.3 Permissibility

The site is zoned 'IN1 General Industrial' under the *Blacktown Local Environmental Plan 2015* (BLEP). Development for the purposes of waste or resource management facilities is permissible with consent in the IN1 zone under the BLEP.

3.4 Consent Authority

On 16 February 2015, the Minister for Planning delegated functions to determine SSD applications to the Executive Director, Key Sites and Industry Assessments where:

- the relevant local Council has not made an objection; and
- there are less than 25 public submission in the nature of objections; and
- a reportable political donation disclosure has not been made.

Of the seven submissions received during the Department's exhibition period, only two objected to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Key Sites and Industry Assessments under delegation.

3.5 Other Approvals

Under Section 89K of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

The Environment Protection Authority (EPA) advised in its submission that the development constitutes a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), and therefore will require an Environmental Protection Licence (EPL).

The Department has consulted the EPA and considered the relevant issues relating to the EPL approval in its assessment of the proposed development. The EPA has advised that the development can be granted an EPL.

The development also requires a Trade Waste permit under the *Sydney Water Act 1994*. Sydney Water has advised the Applicant that the receiving sewer infrastructure at the site has the capacity to accept the requested maximum 180 kL/day discharge.

3.6 Considerations under Section 79C of the EP&A Act

Section 79C 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 5 and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of Section 79C of the EP&A Act.

3.7 Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority, when determining a development application, must 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 proposal.

The Department has considered the development against the relevant provisions of several key environmental planning instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33);
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP); and
- Blacktown Local Environment Plan 2015.

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

3.8 Public Exhibition and Notification

Under Section 89F(1) of the EP&A Act, the Secretary is required to make the development application and any accompanying information of an SSD application publicly available for at least 30 days. The application was on public exhibition from **14 April 2016** until **26 May 2016**. Details of the exhibition process and notifications are provided in Section 4.1.

3.9 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the Act. The objects of relevance to the merit assessment of this application include:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

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: *Objects of the EP&A Act and relevance to the development*

Object	Consideration
5(a)(i)	The proposed development encourages the proper management of liquid waste resources and the orderly and economic development of land. In particular, the proposal would enable development of land that is zoned for industrial use. The site is also strategically located with access to major regional road networks in particular the M4 and M7 motorways.
5(a)(ii)	
5(a)(vi)	The Department's assessment in Section 5 of this report demonstrates that with the implementation of recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance.
5(a)(vii)	The Department has considered the encouragement of ESD in its assessment of the development. This assessment integrates all socio-economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage based on an appraisal of risk weighted consequences.
5(b)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by Council and other Government authorities including the EPA. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
5(c)	The Department provided the public with opportunity to comment on the proposal and considered all issues raised in public submissions during its assessment of the application (Section 5).

3.10 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; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered ESD in its assessment of the proposed development. The 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. Where potential impacts have been identified, mitigation measures

and environmental safeguards have been recommended. The Department is satisfied the proposal can be carried out in a manner that is consistent with the principles of ESD.

3.11 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on matters of national environmental significance (MNES), as it is considered to be a 'controlled action'. No MNES were identified in the EIS for the development which included an Ecological Assessment of the riparian zone and creek to the north of the site. As such, a referral to the Commonwealth Government was not required.

4. CONSULTATION AND SUBMISSIONS

4.1 Consultation by the Department

The Department undertook a range of consultation activities throughout the preparation of the Secretary's environmental assessment requirements (SEARs) including consultation with relevant public authorities.

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

- made it publicly available from **Thursday 14 April 2016** until **Thursday 26 May 2016**:
 - on the Department's website;
 - at the Department's Information Centre (Bridge Street, Sydney);
 - at the Department's Parramatta office (Valentine Avenue, Parramatta);
 - at Blacktown City Council (Flushcombe Road, Blacktown); and
 - at the Nature Conservation Council (Wilson Street, Newtown);
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Blacktown City Council by letter; and
- advertised the exhibition in the Blacktown Advocate.

A total of seven submissions were received on the development in response to the exhibition, including five from public authorities and two from the general public. Of the seven submissions received, two objected to the development. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix E**.

4.1.1 Public Authorities' Submissions

The **Environment Protection Authority (EPA)** raised concerns over the proposed odour control system and the adequacy of the air impact assessment and requested the Applicant address these concerns in an RTS.

Blacktown City Council (Council) did not object to the proposed development, however requested additional information on a number of matters including:

- details of the proposed boundary fencing and gates as well as a request for additional landscaping;
- confirmation that trucks are able to access the site clear of vehicles parked along Rayben Street;
- the location of waste bins;
- whether procedures for the collection of non-compliant and odourous waste could be improved;
- details of the alternative facilities that are able to accept odourous waste;
- a request that the Applicant keep a log of odourous waste and any implemented mitigation measures;
- whether the buildings require air emission treatment measures; and
- whether the egress pathway of a truck – which has been washed down due to a spill – requires treatment.

Council also advised it had concerns over the safety of the intersection of Owen Street and Power Street.

Department of Primary Industries (DPI) sought clarification regarding location of riparian zones in proximity to the site.

Roads and Maritime Services (RMS) advised it had no objections to the proposal.

Fire and Rescue NSW (FRNSW) recommended that the Applicant engage with FRNSW when undertaking the design of the facility's fire systems.

4.1.2 Public submissions

The Department received two general public submissions during the exhibition period. Both of which objected to the proposed development, and raised concerns regarding:

- odour impacts;
- potential for contamination of groundwater;
- noise and vibration;
- public health issues in relation to hazardous materials; and
- traffic impacts.

4.2 Response to Submissions and Supplementary Information

On 1 June 2016, the Department requested the Applicant respond to submissions received during the public exhibition and sought additional information and clarification over a number of issues including:

- a request for the predicted noise and air impacts on industrial receivers;
- an assessment of construction noise and air impacts;
- justification of the proposed air emissions control system;
- a revised landscape plan;
- a discussion of the need for the proposed development;
- clarification over traffic movements; and
- clarification over the proposed hours of operation.

In October 2016, the Applicant provided a Response to Submissions (RTS) on issues raised during the exhibition of the development (see **Appendix D**). The RTS provided:

- additional air and noise modelling to include neighbouring industrial receivers;
- clarification over the proposed odour control system;
- a revised existing landscape plan as well as a landscape concept plan;
- further justification of project need;
- clarification of the proposed hours of operation;
- a response to and comments on the EPA's General Terms of Approval;
- a description of the drainage channel and surrounding land uses in response to the DPI's submission;
- additional technical information in relation to the air impact assessment as requested by the EPA;
- confirmation that vehicles would be able to access and egress the site while cars are parked along Rayben Street;
- a figure showing the location of waste bins;
- a response to Council's concerns over procedures for non-compliant and odourous waste;
- confirmation that the buildings would not require additional air treatment;
- clarification over the procedures for truck wash-down (and inclusion of the Applicant's spill management procedures);
- clarification over traffic numbers and a revised traffic assessment; and

- a response to the public submissions including more information about potential hazardous waste.

The RTS did not propose to amend the development. The RTS was made publicly available on the Department's website on 5 October 2016 and referred to Council, the EPA and DPI for comment. No additional concerns were raised, however, both agencies and Council provided detailed recommended conditions of consent.

The Department has considered the issues raised in submissions and the Applicant's RTS in its assessment of the development.

5. ASSESSMENT

The Department has considered the following in its assessment of the proposed development:

- the EIS for the proposed development (**Appendix B**);
- submissions from the general public and public authorities (**Appendix C**);
- the Applicant's RTS report (**Appendix D**);
- relevant environmental planning instruments, policies and guidelines; and
- relevant provisions of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues to be the potential air quality and odour impacts and traffic. A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 4** under **Section 5.3** of this report.

5.1 Air Quality and Odour

The development has the potential to emit odour and volatile organic compounds (VOCs) during operation given the nature of the waste to be treated on site. Dust may also be generated during construction.

To address the potential air impacts of the development, the EIS included an Air Assessment report prepared by Air Noise Environment. The assessment was undertaken in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Odour from Stationary Sources in NSW* (Approved Methods) and *Technical framework: Assessment and Management of Odour from Stationary Sources in NSW (2006)* (Technical Framework). The Air Assessment predicted air quality impacts using computer based air dispersion modelling (Calpuff) with local meteorological conditions predicted using Calmnet. Emission rates for odour and VOCs were obtained through sampling of the Applicant's existing site at Seven Hills and another comparable site in Brisbane.

The site layout includes two tank farms for the treatment of organic liquid waste and oily liquid waste respectively. The organics tank farm would be located in a fully enclosed colorbond building, the tanks would be interconnected and vented via an activated carbon filter. The DAF unit would also be fully enclosed and vented via a separate activated carbon filter. The used oil tank farm would be located in a structure consisting of a sheet steel roof and a partial steel wall on the structure's eastern side.

The key sources of odour and VOC emissions during operations were identified to be related to tank breathing, particularly during filling when odour in the tank head space is forced out, and venting from the two DAF units. The Applicant has advised its sampling demonstrates that potential odour emissions from hydrocarbon waste is substantially lower than potential emissions from its organic waste stream.

During exhibition of the EIS, the Department received a submission from the EPA's Air Technical Unit which raised concerns with the technical aspects of the Applicant's Air

Assessment Report. The EPA sought clarification and additional information in relation to air toxics, peak-to-mean ratios in relation to odour impacts, the emissions inventory and the adequacy of the meteorological data. The EPA also raised concerns with the appropriateness of the proposed odour control system.

Following the submission of additional information and modelling results, the EPA advised it was satisfied odour and VOC emissions could be adequately managed and that it could issue a licence for the development. The EPA made a number of recommendations including that a meteorological station be installed to validate meteorological data used in the assessment and to manage the odour impacts of the development during operation. This, along with other recommended conditions, have been included in the Department's recommendation and are discussed further below.

Council raised concerns with the proposed procedures to manage 'particularly' odourous waste, however, it indicated it was satisfied with the proposal subject to the incorporation of a condition requiring the Applicant to ensure a record is kept of:

- any particularly odourous loads;
- the management measures implemented in response to the waste; and
- any relevant preventative actions.

The two public submissions received during exhibition both objected to the proposal, raising concerns about potential odour impacts.

The Department believes the above measures would ensure the appropriate management of 'particularly' odourous waste and, with the incorporation of the preventative actions, would reduce the volume of 'particularly' odourous waste received at the facility. As such, the Department has recommended the above requirements are included in an Odour Management Plan to be prepared by the Applicant prior to the commencement of construction.

Construction Phase Air Quality Impacts

The demolition and construction phase of the proposed development is expected to last approximately six months and involve the demolition of concrete pavement and the existing warehouse, minor earthworks, erection of new colorbond sheds and installation of services and ancillary components (including stormwater infrastructure). Key construction air quality issues include dust from minor earthworks and diesel emissions from the operation of heavy equipment. The EPA did not raise any concerns with the potential construction air quality impacts.

While the Air Assessment did not provide a quantitative assessment of potential air quality impacts during construction, the Department considers given the short duration and limited earthworks proposed, standard construction mitigation measures are sufficient to manage potential impacts. These include speed limits for trucks, ensuring construction vehicles are free of dust before leaving the site and use of truck load covers. The Department has recommended these measures are included in a Construction Environmental Management Plan (CEMP) to be implemented for the duration of the construction works.

Operational Odour and Air Quality Impacts

To address the requirements of the Approved Methods, the Air Assessment report and subsequent information included in the RTS, predicted operational ground level odour and VOC concentrations at both the nearest residential and industrial receivers.

The assessment took a conservative approach, assuming a worst case scenario whereby the facility was operating at full capacity and tank filling was occurring 24 hours a day, seven days a week. It also assumed the proposed activated carbon filters had a 50% reduction of

efficiency, whereas the manufacturer advises the activated carbon filter systems typically achieves an odour reduction of 95%. The assessment also included consideration of fugitive emissions generated by the proposed activities.

The Air Assessment predicted that ground level VOC emissions would be well below the relevant criteria at all receivers. The EPA raised no concerns over the potential emissions of VOCs.

The Air Assessment also determined the development would meet the relevant odour criteria at residential receivers. The maximum predicted odour at the residential receivers was 0.8 odour units (OU) (see **Figure 6**) which represents over 1 OU less than the most stringent EPA criteria of 2 OU at the 99th percentile (where the 99th percentile represents the odour concentration that can be achieved for 99% of the year).

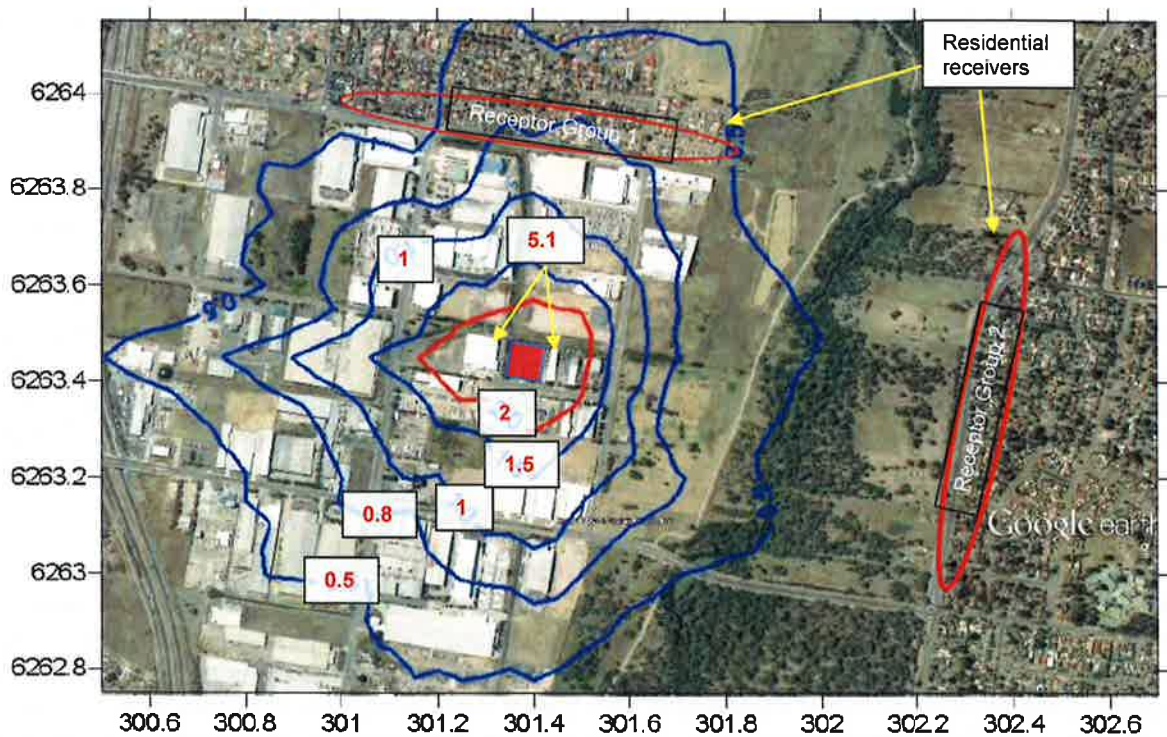


Figure 6: Predicted Ground Level Odour Concentrations (OU)

The maximum predicted odour at the nearby industrial receivers was 5.1 OU. The Department acknowledges the odour experienced at the adjacent industrial premises would be higher than at the residential receivers. The Applicant argued that industrial receivers are not identified as sensitive receivers in the Approved Methods and therefore it would be unreasonable to apply the same criteria as a residential receivers. The Department disagrees as industrial receivers are places where people are likely to work, which is identified as a sensitive receiver in the Approved Methods, as such their employees should not be exposed to offensive odours. Notwithstanding, the EPA's Technical Framework provides a range of odour assessment criteria based on population densities and receiver types. It states that an odour assessment criterion of 7 OU is likely to represent the level below which 'offensive' odours should not occur for an individual with a standard sensitivity.

The Department recognises 5.1 OU at the industrial receivers may be noticeable from time to time. However, the EPA has advised that given the conservative nature of the assessment in assuming 24 hour tank filling and the use of a less efficient activated carbon filter (50% efficient rather than the typical 95% efficiency), 5.1 OU is likely to be an over estimate of actual emissions. In addition, the Department has recommended a range of conditions to ensure any

fugitive emissions are reduced through building design, odour emissions are validated post commissioning and, if it is identified that the site is emitting offensive odour, a range of contingencies can be implemented. The Department has discussed this approach in detail with the EPA which agrees with these measures.

The principle air quality management measure proposed by the Applicant would be to unload, load and treat organic waste in an enclosed building and ensure key odour sources are vented through an activated carbon filter. Additional measures proposed relate to when a 'particularly' odorous waste is received and include:

- shutting any open doors in the organics building;
- dousing the load with an odour neutraliser; and
- identifying the source and investigating.

The Department recognises the efficiency of the proposed odour emissions control system is dependent on appropriate maintenance of the activated carbon filter. Consequently, the Department has adopted the EPA's recommendation that the Applicant implement a maintenance protocol for activated carbon breakthrough and initiating activated carbon filter change out.

The Department has also identified a number of additional odour controls that it recommends are implemented to ensure the long term efficient operation of the facility. These odour controls incorporate the EPA's recommendations and include:

- sealing of all gaps in the organic building;
- ensuring the activated carbon filters are installed and operational and all point sources for odour emissions are effectively covered and ducted to the activated carbon filters prior to operation;
- installing a meteorological station prior to the commencement of operation;
- ensuring all external doors in the organics building are kept shut during operation except to allow for the ingress and egress of vehicles, personnel and equipment;
- preparing a detailed Odour Management Plan (OMP) with appropriate monitoring and well defined triggers to implement any identified contingency measures;
- an independent odour audit of the performance of the facility. The audit must be undertaken during waste acceptance within 6 months from the commencement of operation. The Applicant would have to implement any recommendations from the audit; and
- a complaints management system.

In the unlikely event the facility does not operate as predicted and an offensive odour is being emitted, the Department recommends the air emission controls be designed so that they can be retrofitted and/or upgraded and this measure is included as a contingency measure in the OMP.

The Department acknowledges the concerns raised in submissions regarding odour and air quality. However, the Department is satisfied the Applicant has demonstrated the development will meet the residential odour criteria and the site is suitable for the proposed development given the good separation distances to residential receivers. In addition, both the Department and the EPA consider the Air Assessment was conservative in its predictions and odour emissions at the industrial receivers are likely to be less than predicted. The recommended conditions will ensure that all odorous areas of the development would be fully enclosed and vented through an activated carbon filter (or similar) and fugitive emissions will be managed through enclosing any gaps in the building. The Department has also recommended the implementation of an OMP to ensure odour impacts are managed during operations while rigorous monitoring, auditing and reporting requirements would ensure that

impacts are identified early should they occur. The Department is also satisfied that there are further measures that can be implemented should the development not operate as predicted.

Therefore, the Department's assessment concludes that the air quality impacts of the proposed development can be managed through the Applicant's proposed mitigation measures and the recommended conditions of consent. The EPA have no concerns with the development subject to the implementation of the recommended conditions of consent and can issue a licence for the facility.

5.2 Traffic

The proposed development would generate heavy vehicle movements through the delivery and dispatch of liquid waste and therefore it has the potential to impact on the safety and efficiency of the surrounding road network.

The EIS included a traffic impact assessment (TIA), with additional information and clarification provided in the RTS, which analysed existing intersection performance and predicted impacts from the increase in vehicle movements from the development.

The site is presently accessed via an existing driveway off Rayben Street, a local cul-de-sac road servicing the industrial estate. A second driveway is proposed to be constructed as part of the development. The site has good access to the Westlink (M7) via Power Street, Knox Street and Quakers Hill Parkway, all sub-arterial/arterial roads and approved B-Double routes. The TIA assumed that 90% of incoming and 90% of outgoing trips would access the site via this route (see **Figure 7**). The remaining 10% of incoming and outgoing trips would be coming from and going to areas in close proximity of the site and to the west.

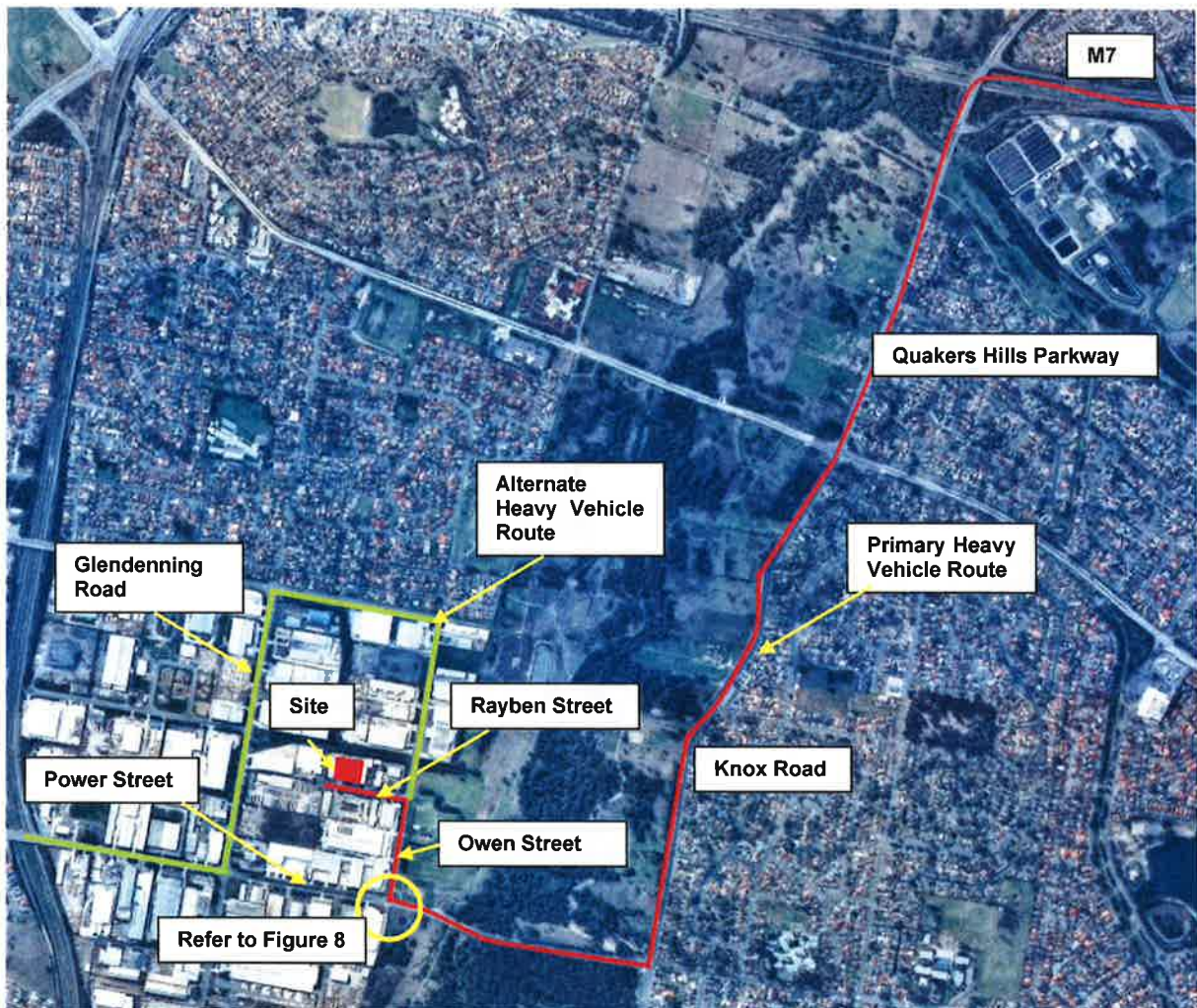


Figure 7: Heavy Vehicle Routes

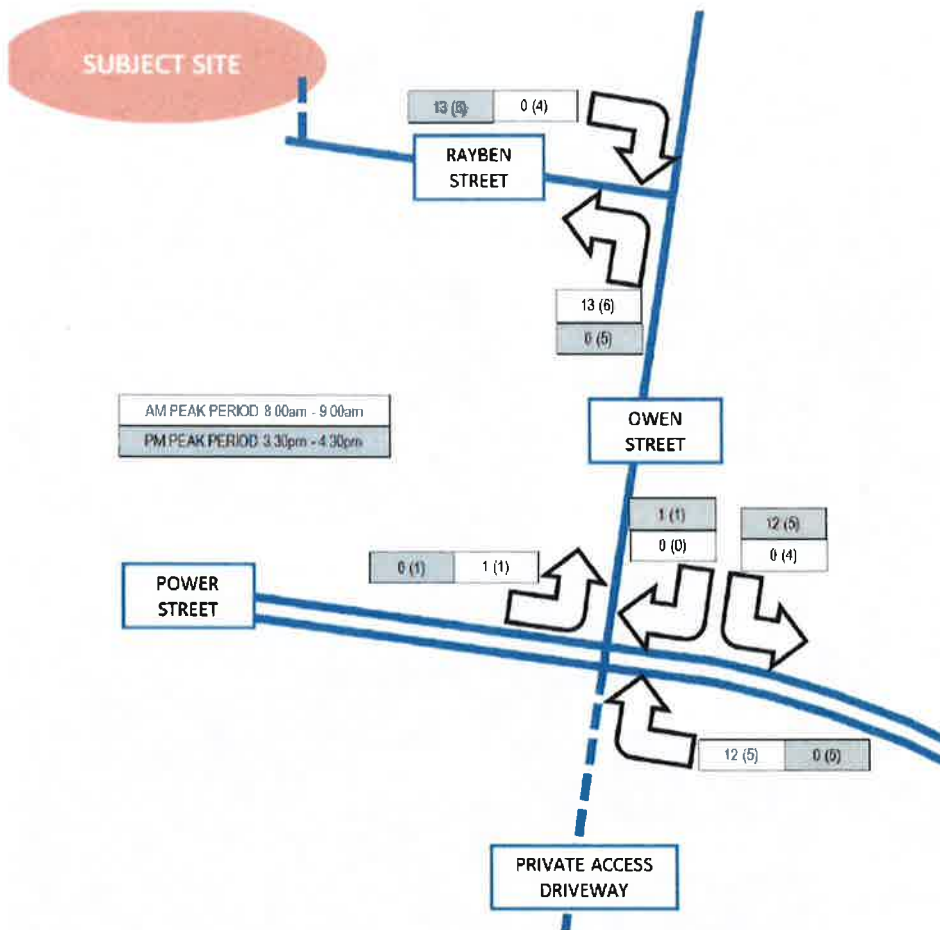
Construction Traffic

Construction of the development is anticipated to take approximately six months. Construction activities would include the transportation of material such as spoil, concrete and gravel to and from the site. The Applicant has indicated construction is expected to generate approximately 14 heavy vehicle movements a day and 12 light vehicle movements a day. The site has adequate construction access via the existing driveway. The TIA did not provide a quantitative construction traffic assessment, however, construction traffic is expected to be less than 20% of the operational traffic volume and is therefore unlikely to impact on the road network.

The Department has recommended a condition requiring the Applicant to prepare and implement a CEMP to manage construction traffic. Neither Council nor the RMS raised any concerns over construction traffic.

Operational Traffic

The proposed development is expected to be serviced by a range of heavy vehicle types up to, and including, B-Doubles during operation. The TIA estimated the site would generate 84 heavy and 52 light vehicle movements per day during operation. The TIA also estimated the site would generate a total of 19 vehicles (6 heavy and 13 light) in the peak hours, however, this number was assumed to be worst case given most staff movements would occur out of the AM and PM peak periods (see Figure 8).



**Figure 8: Proposed Traffic Generation
(heavy vehicles)**

The TIA included an assessment of the capacity of the Owen Street and Power Street intersection using SIDRA (software used to model intersection and network capacity). The Department understands this intersection is considered a key intersection along the proposed transport route.

The SIDRA analysis carried out in the TIA provided a grading (level of service (LoS)) for the key intersection. LoS D is considered to be operating near capacity, E is at capacity and F exceeds capacity with extreme delays. The TIA identified the Owen and Power Street intersection is currently used by up to 2,376 vehicles in peak hour which equates to operating at an acceptable LoS D in the AM peak hour and LoS B in the PM peak hour. The TIA predicts traffic from the proposed development will lower the LoS to E and C, in the AM and PM periods respectively, in the short term. Whereas, the modelled design traffic volumes for 2026 predicted the intersection will fail (LoS F in the AM and E in the PM peak), regardless of development traffic.

Even without the proposed development, Council recognises the need to upgrade the Power Street and Owen Street intersection. The intersection was first identified for upgrade in Council's 2003 works program, however, it advised there are a number of constraints preventing the works from occurring in the near future.

Council advised its key concern in relation to this intersection was safety, primarily in relation to traffic exiting the site making right-turn movements from Owen Street to Power Street. The geometry of the existing intersection requires vehicles wishing to turn right onto Power Street from Owen Street to cross two lanes of traffic and make a sharp turn to enter an acceleration

The proposed development would provide 28 passenger vehicle spaces, eight more than required under Council's DCP. The development would also provide 14 heavy vehicle spaces for overnight storage as shown in **Figure 9** below.

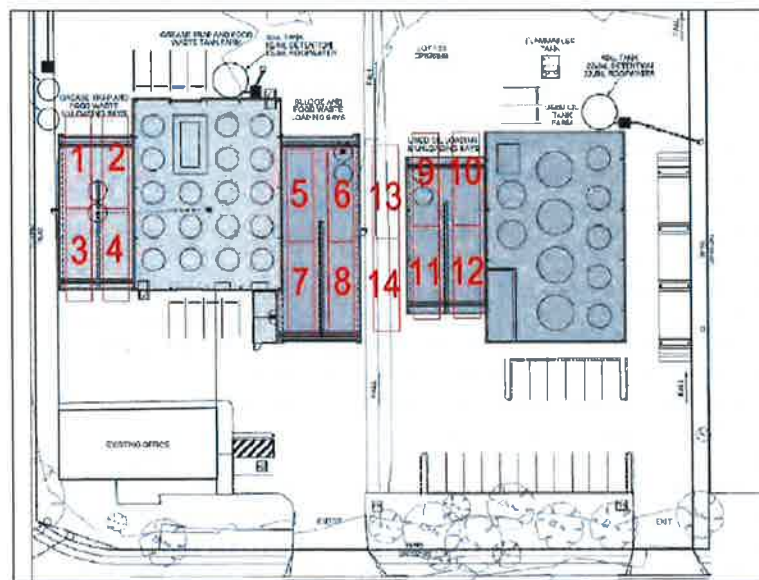


Figure 9: Heavy Vehicle Parking Bays (marked in red)

The Department had some concerns over the management of heavy vehicle parking given the space constraints of the developed site. As the proposed heavy vehicle parking spaces are located within areas required for the efficient operation of the facility, the Applicant will need to ensure that trucks parked over-night have left the site prior to the receipt of waste. As such, the Department has recommended that the required Operational Environment Management Plan (OEMP) and Driver Code of Conduct include a protocol to manage out of hours heavy vehicle parking to avoid conflict with ongoing operations.

Neither Council nor the RMS raised any other concerns in relation to traffic. One public submission's concerns regarding the transport of waste is noted.

The Department is satisfied the increased traffic from the proposed development is minor in the context of the existing traffic along the proposed transport route and utilising the key intersection. Council has acknowledged the key intersection needs upgrading even without development traffic which won't impact the intersection in the long term. The Department has recommended a range of standard conditions requiring internal roads, turning areas and parking to comply with the relevant standards as well as restrictions on queuing or parking within the public road network. The Department has also recommended a condition of consent restricting heavy vehicles leaving the site from turning right onto Power Street for safety reasons.

The Department's assessment concludes that with these measures in place, impacts of the development on the local road network can be effectively managed.

5.3 Other Matters

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

Table 4: Assessment of Other Issues

Consideration	Recommendation
Noise	
- The development has the potential to cause noise impacts at sensitive receivers. - The EIS included a noise assessment prepared by Air Noise Environment in accordance with the <i>NSW Industrial Noise Policy</i> (INP). - Nearby receivers include the industrial receptors adjacent to the site and residential receivers approximately 430 m to the north and 900 m to the east. - Construction is expected to take approximately six months. Standard construction methods are proposed and noise experienced by the surrounding industrial and residential receivers is expected to be minimal. - The Department recommends the imposition of standard construction hours as well as a requirement to prepare a Construction Environment Management Plan (CEMP) to manage potential noise impacts from construction. - Identified operational noise sources include heavy vehicles, pumps and motors. - Operational hours are proposed to be 4 am to 9 pm Monday to Saturday and 7 am to 6 pm Sundays with some 24 hour operations in emergency situations as directed by public agencies. - The noise assessment predicted the development would comply with the operational noise criteria under the INP, including sleep disturbance, and predicted road traffic noise would not increase traffic noise by more than 2 dB(A) which is in accordance with the EPA's <i>NSW Road Noise Policy</i>. - Given the predictions were below the relevant criteria, the development does not include any specific noise management measures. - Neither the EPA nor Council raised any concerns in relation to noise impacts. - However, the Department notes the night time predictions (operational period of 4 am to 6 am) for the residential receivers to the north (receptor group 1) were equal to the relevant criteria of 36 dB(A), although it recognises the assessment conservatively assumed all equipment would be operating at once, which is unlikely. - Although the Department concludes the risk of noise impacting the amenity of receivers is low, it recommends the inclusion of project specific noise criteria and the requirement to monitor noise should a validated noise complaint be received or at the request of the Secretary, as conditions of consent. This would ensure that the facility operates as predicted or mitigation measures are implemented should noise impacts be felt at receivers. - The Department has also recommended a range of standard mitigation measures such as maintaining equipment, implementing all reasonable and feasible noise management measures and minimising the noise impacts during adverse meteorological conditions as well as a condition restricting the movement of heavy vehicles outside operating hours.	Require the Applicant to: - Prepare and implement a CEMP; - comply with project specific noise limits (36 L_{Aeq}(15 minutes) day/evening and night and 46 L_{Amax}) and operational hours; - implement a range of standard noise mitigation measures; and - undertake noise monitoring in response to validated complaints or at the request of the Secretary.

Consideration	Recommendation
The Department's assessment concludes that noise impacts as a result of the development would be negligible and the recommended conditions would ensure that noise impacts are managed appropriately.	
Water	
- The development has the potential to alter the quality and quantity of stormwater discharging from the site. - The EIS included an Integrated Water Cycle Management Strategy (IWCMS) prepared in accordance with Council's DCP. - The report assessed the proposed surface water infrastructure for the development as well as potential flood and groundwater impacts. - A drainage easement, located along the northern property boundary, conveys the existing site's stormwater to the east and then into a constructed drainage channel (a 1st order stream) to the immediate north which flows to Eastern Creek some 460 m east of the site. - Neither Council nor the DPI raised concerns with stormwater, however, Council recommended a range of technical conditions and the DPI sought clarification over whether the development is within the riparian corridor. The DPI was satisfied with the Applicant's response providing the riparian corridor within the site, which does not form part of the hardstand, are vegetated with native plants from the local community. - The Department considers the DPI's request reasonable, and recommends development is constructed in accordance with the Landscape Concept Plan which includes vegetation within the drainage easement and site boundaries.	Require the Applicant to: - implement erosion and sediment control measures in accordance with <i>Managing Urban Stormwater: Soils and Construction Vol. 1</i> during construction; - design and construct engineering works in accordance with Council's relevant guidelines; - design, install and maintain the stormwater management system generally in accordance with the EIS and in consultation with Council; and - carry out the development generally in accordance with the Landscape Concept Plan.
<u>Stormwater Quality</u> - The proposed stormwater management system includes rainwater tanks and cartridge type filters. - The MUSIC modelling undertaken for the IWCMS demonstrates that the proposed treatment train would achieve the pollutant load reduction targets (for total suspended solids, gross pollutants, total phosphorous, nitrogen and hydrocarbons) required by Council's DCP. - However, the IWCMS modelled the new hardstand and buildings which equate to 2,290 m² and did not account for the existing hardstand or roofed areas of the site. The Applicant argued that this approach was in accordance with the requirements of Council's DCP, however, the Department was concerned that the proposed stormwater system would not be sufficient to cater for the entire site. - However, following concerns raised by the Department over the limited scope of the proposed stormwater management system, the Applicant has committed to augmenting the existing filters to cater for the whole site and provided an updated plan. - To ensure this approach is implemented, the Department has recommended a condition requiring the Applicant design and install the stormwater management system in accordance with the provided concept plan.	
<u>Conclusion</u> - The Department's assessment concludes that, subject to the recommended conditions stormwater quality would comply with the relevant pollution criteria and the discharge from the existing and proposed hardstand and roofed areas can be catered for in the locality's drainage network. - The Department has recommended the stormwater infrastructure, including on-site storage, be designed and construction in accordance with Council's requirements and in consultation with Council. Council has agreed with this approach.	
Soil and Contamination	
- The development has the potential to disturb soils which are potentially contaminated by past industrial uses. - The EIS included a Geotechnical Investigation which reported on investigations undertaken onsite to identify the soil profiles, the presence of acid sulphate soils and any contaminants. - The Department raised concerns over the location of the two boreholes, which were based on a previous site layout.	No conditions are recommended in relation to soil and contamination

Consideration	Recommendation
- The Applicant advised that the boreholes were in the location most likely to be contaminated due to historical use. - The report identified that contaminants were all below the relevant health investigation level. - As such, the Department is satisfied the samples taken would be generally indicative of the soil profile across the whole site and these samples indicate that contaminant levels are below the relevant guidelines for industrial uses. - The Department's assessment concludes that given the limited excavation proposed, the low levels of contaminants found in borehole samples and the industrial nature of the development the impacts from contamination would be negligible.	
Waste	
- The development would generate waste during construction and operation. - The EIS estimates that approximately 1,250 tonnes of waste would be generated during construction including waste from the former depot building, demolition of concrete pavement, site establishment and construction of new buildings and infrastructure. - The Applicant proposes to recycle suitable material. All waste would be managed in accordance with DECCW's <i>Waste Classification Guidelines (2009)</i>. - During operations, all liquid waste accepted at the site would be processed and either disposed of to sewer in accordance with a Trade Waste Agreement with Sydney Water or sent for beneficial reuse or disposed of to a licenced facility (either a landfill or the Southern Oil Refinery for further processing). - The Department's assessment concludes that waste from the development can be appropriately managed subject to a range of standard conditions requiring the Applicant to implement a Waste Monitoring Program and ensure that the transportation of waste is undertaken by licensed transporters and to a facility that can lawfully accept the waste.	Require the Applicant to: - implement a Waste Monitoring Program for the Development; - ensure the transportation of waste is undertaken lawfully; and - ensure any waste transported off-site is taken to a facility that can lawfully accept the waste.
Visual	
- The proposed development includes new structures which would add to the visual impact on the locality. - The site is located within a cul-de-sac of a well-established industrial area. Opportunities to view the site would be limited to other users of Rayben Street which are industrial uses. - The buildings would be consistent in height to the surrounding industrial development and in accordance with Council's DCP (in regards to height and scale). - Council raised no concerns however, it requested the Applicant provide additional landscaping. The Applicant provided a Landscape Concept Plan as part of the RTS. - The Department has recommended a condition requiring the Applicant to construct the development in accordance with the Landscape Concept Plan. - The Department's assessment concludes that visual impacts would be limited by the site's location and proposed landscaping and the appearance of the development would be consistent with the industrial nature of the area.	Require the Applicant to carry out the development in accordance with the Landscape Concept Plan.
Hazards and Risks	
- The development has the potential to accept, process and store hazardous waste. - One general public submission raised concerns over the facility's potential to process hazardous waste. - The Applicant's EIS includes a Hazard Identification and Risk Analysis which identified that up to 800 tonnes of combustible liquids would be stored in tanks on site. These liquids would be stored in separate bunds, away from other flammable liquids, as such they are not considered to be potentially hazardous. - In addition, up to 20 tonnes of a Dangerous Good Class 3 (the 'non-compliant product') would be stored in a self-bunded tank in accordance with the relevant Australian Standards. - The Applicant has advised that it would have in place a range of procedures to ensure that other hazardous waste is not accepted at the facility. - The Department has reviewed the proposed development and has concluded that the site is not potentially hazardous given the distance of the non-compliant product tank from the site boundary and that conditions of consent relating to hazards are not warranted.	Require the Applicant to: - ensure all liquid wastes, chemicals and fuels are stored in appropriately bunded containers; and - not cause, permit or allow any materials or waste (as defined by the POEO Act) generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.

6. CONCLUSION

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department's assessment concluded there would be some amenity impacts during the operation of the Glendenning Liquid Waste Treatment Facility, such as air quality and traffic. Therefore, the Department has recommended a number of conditions to minimise these impacts, including:

- restricting the right turn movement of heavy vehicles exiting the site and turning onto Power Street from Owen Street;
- develop a protocol to manage out of hours heavy vehicle parking;
- ensuring the activated carbon filters are installed and operational and all point sources for odour emissions are effectively covered and ducted to the activated carbon filters;
- preparing a detailed Odour Management Plan (OMP); and
- an independent odour audit of the performance of the facility.

The Development will enable the beneficial reuse of organic liquid waste in the cultivation of feed crops on farms and aggregation of used oils for their reuse and energy recovery.

The proposed development is consistent with the NSW Government's direction in achieving the targets in the *Waste Avoidance and Resource Recovery Strategy 2014-2021* by assisting in diverting waste from landfill. The development would also provide an investment of approximately \$6.9 million to western Sydney and would generate 20 construction jobs and an additional 8 operational jobs.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Executive Director – Key Sites and Industry Assessments:

- **consider** the findings and recommendations of this report;
- **approve** the development application under section 89E of the EP&A Act; and
- **sign** the attached development consent (refer **Appendix A**).

Emma Barnet
Senior Planning Officer
Industry Assessments



Chris Ritchie
Director
Industry Assessments

13/12/16



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

11/1/17

APPENDIX A RECOMMENDED DEVELOPMENT CONSENT

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6767

APPENDIX B ENVIRONMENTAL IMPACT STATEMENT

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6767

APPENDIX C SUBMISSIONS

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6767

APPENDIX D RESPONSE TO SUBMISSIONS

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6767

APPENDIX E CONSIDERATION UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(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 Director-General 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 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) 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 proposed development is provided in Appendix F of this report. DCPs are not applicable The Applicant has not entered into any planning agreement under Section 93F. The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report. The site is not located within a coastal zone and no coastal zone management plan applies to the development.
(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 5 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 is a liquid waste treatment facility located on IN1 – General Industrial zoned land which is permissible with development consent.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest.	The development would generate up to 20 jobs during construction and 8 jobs during operation. The development is a considerable capital investment in the Blacktown local government area that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.

APPENDIX F CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (state and Regional Development 2011 (SRD SEPP) identifies certain classes of development as SSD.

The proposal is SSD pursuant to section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purposes of liquid waste depot that treats, stores or disposes of industrial liquid waste and handles more than 10,000 tpa of liquid food or grease trap waste, or handles more than 1,000 tpa of other aqueous or non-aqueous liquid industrial waste. As such, the development meets the criteria in Clause 23(6) of Schedule 1 in the SRD SEPP. Consequently, the Minister for Planning is the consent authority for the proposed development.

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

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

The Applicant's Hazard Identification and Risk Analysis identified that up to 800 tonnes of combustible liquids would be stored in tanks on site as well as up to 20 tonnes of 'non-compliant product' (Dangerous Good Class 3).

The combustible liquids would be stored in separate bunds, away from other flammable liquids. The 'non-compliant' product would be stored in a self-bunded tank in accordance with the relevant Australian standards some 14 metres from the nearest site boundary.

The Department has reviewed the proposed development and the EIS and concludes that the facility would not pose an unacceptable off-site risk. As the proposed development does not trigger the SEPP 33 guidelines, the Department recommended that no consent conditions for hazards are required. The Department has recommended that all liquid wastes, chemicals, fuels and oils are stored in accordance with the Australian Standards.

The Department's assessment of hazards and risk is contained in **Section 5.3** of this report.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (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 particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposed development constitutes traffic generating development under Schedule 3 of the ISEPP and was referred to the RMS for comment. The RMS confirmed it has no objection to the proposed development. The development is considered to be consistent with the aims and objectives of the ISEPP and the requirements of Clause 104 of the SEPP, as demonstrated by the response received from the RMS and in the assessment of the proposal contained in **Section 5** of this report.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of the SEPP requires the Minister to consider whether the land is contaminated, and if it is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed development. And, if the land requires remediation to be made suitable for the proposed development, be satisfied that it will be remediated before it is used for the proposed development.

The EIS contained a geotechnical report which provided an assessment of the fill material in the area most likely to be affected by contamination. The results confirmed that the site is unlikely to be contaminated and therefore a phase 2 study is not required. However, the Applicant would classified any unexpected potentially contaminated soil based on soil tests in accordance with DECCW's 2009 *Waste Classification Guidelines: Parts 1 and 2* and ensure they are disposed of at an approved licenced facility. The Department's consideration of soil and contamination is contained in **Section 5.3** of this report.

Blacktown Local Environmental Plan 2015

The site is zoned General Industrial IN1 under *Blacktown Local Environmental Plan 2015*, it is permissible with consent and satisfactorily meets the IN2 zone objectives.

The Department has consulted with the Blacktown City Council throughout the assessment process. The Department has considered the relevant provisions of the LEP and the matters raised by Council in its assessment of the proposal in **Section 5** of this report

