

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State Significant Development
Application number and project name	SSD-8304 Unanderra Liquid Waste Treatment Facility
Applicant	DGL Group Limited
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's assessment report is available [here](#).

Date of decision

31 August 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application;
- the findings and recommendations in the department's assessment report;
- the advice from relevant NSW Government authorities and Wollongong City Council; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including an investment of \$5.85 million investment in the Wollongong LGA and additional 16 jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Illawarra Shoalhaven Regional Plan 2041, Waste and Sustainable Materials Strategy 2041 and the State Environmental Planning Policy (State and Regional Development) 2011;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards and the conditions of consent; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 7 July 2021 until 3 August 2021 (28 days). 7 submissions were received, including 1 objection to the project.

The key issues raised by government agencies are addressed in detail in the Department's Assessment Report.

The key issues raised by the community member were considered in the department's assessment report and by the decision maker are addressed in detail in the department's assessment report. The key issues are also detailed below.

Issue	Consideration
Air quality The proposal will increase dust and deteriorate air quality	Assessment <ul style="list-style-type: none"> EPA reviewed the proposal and raised no concerns with the information provided in relation to odour or air quality. The EPA regulates the operation of this site. Conditions: <ul style="list-style-type: none"> The Department's recommended conditions include dust mitigation measures, air quality discharge limits, air quality testing requirements and a requirement for an Air Quality Management Plan.
Contamination An accident could result in contaminated liquid impacting surrounding properties and adverse environmental impacts	Assessment <ul style="list-style-type: none"> The hazards and risks associated with the proposal, both within and outside of the site, were considered in the Department's assessment. Conditions: <ul style="list-style-type: none"> The Department's recommended conditions requires the development to operate in accordance with the POEO Act and the EPL for the site and that the Applicant prepare a Safety Management System for the development, including consideration of the safety of all people outside of the development.
Flood A major flood could result in a pollution event and adverse environmental impacts	Assessment <ul style="list-style-type: none"> The proposal can comply Council's flood controls. The proposal will have no impact on the nature of flooding because it is largely contained within an existing building Conditions: <ul style="list-style-type: none"> The Department's recommended conditions require the industrial floor levels must be a minimum of RL 9.84m AHD and floor levels / storage levels susceptible to flood damage, are a minimum of RL 10.34m AHD Building E must be capable of withstanding forces of floodwater, debris and buoyancy the PMF level A bund wall is to be provided around or using Building E to provide a physical barrier between liquid waste and flood water.
Cumulative Impacts Additional adverse impacts on the environment and amenity in the locality	Assessment <ul style="list-style-type: none"> Overall, the Department's assessment found that the proposal would not result in adverse environmental impacts and any impacts could be appropriately managed. The Department notes that no agency or Council objected to the proposal Conditions: The Department recommended conditions to address the following impacts noise, air quality and odour, contamination, flooding and traffic.
Covid-19 Data provided does not reflect pre-COVID-19 trends	Assessment <ul style="list-style-type: none"> The Department's assessment found that the Applicant relied in data taken prior to the COVID-2019 pandemic. Conditions: No conditions are required to address this concern.