



Our reference: ECM: 7182076  
Contact: Jane Hetherington  
Telephone: 4732 8078

16 June 2016

NSW Government Planning & Environment  
Attention: Susan Fox

Email to: [susan.fox@planning.nsw.gov.au](mailto:susan.fox@planning.nsw.gov.au)

Dear Ms Fox

**Re: Penrith City Council Submission to Proposed Modification to Tox Free (formerly Chemsal) Waste Chemical Storage Facility (MP06\_0095 MOD3) at No. 40 Christie Street St Marys**

I refer to the Department's letter dated 30 May 2016 seeking Council's comments relating to MP06\_0095 MOD3 for Modifications to the consent for the Chemsal Waste Storage Facility at 40 Christie Street, St Marys (Lot 431 DP 854814).

The development is a scheduled activity under the *Protection of the Environment Operations Act*. In turn, the environmental impacts associated with activities undertaken on the site will be regulated by the Environmental Protection Authority (EPA) through an Environmental Protection Licence (EPL). The EIS supporting this application states that an application for licence variation has been lodged with the EPA. In assessing this modification and responding to the request for a licence variation, the NSW EPA and the Department is requested to consider the following:

- It is requested that the Department consider potential noise impacts associated with the proposed extended hours of operation and should consent be granted, mechanisms to ensure compliance with noise criteria, including the Industrial Noise Policy should be addressed by way of conditions of consent.
- The Department and the NSW EPA is requested to ensure a thorough review of the Preliminary Hazard Analysis (PHA) is undertaken, including consideration of existing nearby developments and any potential interaction that may occur between those and the development site. Consent, if issued should include mechanisms to ensure that the requirements and recommendations specified within the PHA are enforced throughout operation of the development.
- The Department and NSW EPA are requested to ensure that the existing (and proposed) bunding is compatible with the liquids and chemicals present in the facility, both singularly and in combination, to ensure that the integrity of the bunding material shall not be adversely impacted by the nature of the chemicals present on site.

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- The development be required to continue to store all materials within the bunded building with no outdoor storage of waste materials, including empty containers.
- In assessing the potential risk associated with the proposal, the PHA makes a range of specific assumptions directly related to specific operational aspects. Consent, if issued should include mechanisms to ensure that the requirements and recommendations specified within the PHA are enforced during operation of the development.
- Whilst the exact location of the AAN process has not been established (the application identifies three potential locations), the proposed modification will occur within the existing warehouse within bunded areas. The Department and NSW EPA should ensure that the existing (and proposed) bunding is compatible with the liquids and chemicals, both singularly and in combination, to ensure that the integrity of the bunding material shall not be adversely impacted by the nature of the chemicals present on site.
- The modification proposes to increase the current storage quantity limits including the quantity of acids and alkalis. Furthermore, the AAN process will require the relocation of a number of storage depot locations that are used to collect and store hazardous and dangerous goods. As the storage amendments associated with the modification shall be facilitated within the existing infrastructure, adverse environmental impacts are not anticipated, subject to the storage complying with all relevant Dangerous Goods and WorkCover legislative requirements, and NSW EPA requirements, including the requirement for all waste materials (including empty containers) being stored only within the building within a bunded area.
- Whilst the EIS states that “the proposed modification to operations would not result in a significant increase in volumes of all wastes received”, the information submitted in relation to the “Additional Incoming Waste Volumes” shows a range of wastes proposed to be received and processed on site that are not currently permitted, including food and sewerage waste and fire wash water as well as acids and alkalis. Detailed information regarding the receipt, management and processing of these wastes are not included in the application. The receipt and processing/management of these wastes has the potential to create environmental impacts including odour emissions that may not arise from existing operations. Assessment of this aspect of the development should be considered and addressed by the NSW EPA.

Should you have any questions in relation to the above, please contact me on (02) (02) 4732 8125.

Yours sincerely

Gavin Cherry  
Acting Development Assessment Co-ordinator

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