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Submissions Report

For

No Fuss Liquid Waste Pty Ltd

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1. INTRODUCTION

1.1 Summary of the Proposal

No Fuss Liquid Waste Pty Ltd is a family owned and operated company that currently operates a liquid waste removal service trading as No Fuss Liquid Waste Pump outs. The company has a facility for the collection and treatment of septic waste at Emu Plains within the Penrith Local Government Area (LGA). No Fuss Liquid Waste currently treats wastes from their operations site at 10-12 Smith Street, Emu Plains to areas as far as Bondi, Lithgow, Newcastle and Wollongong.

To fulfil a customer demand for the collection and treatment of oily waters, No Fuss has lodged an application with the Department of Planning to operate a separate plant known as a J120 Plant. The J120 Plant would be used in the separation and treatment of oily water and organic wastes. The proposed J120 Plant would be located in the adjacent unit (Unit No. 2), which is situated within the No Fuss premises, but would be operated separately to Unit 1.

The proposed J120 Plant would have the capacity to treat approximately 2600 tonnes of oily waste water per year. The volume of waste to be treated triggered the need for a Part 3A Approval under Schedule 1 of the State Environmental Planning Policy (Major Development) 2005 – Clause 27(6b) development for the purposes of resource recovery or recycling facilities "that handle more that 1,000 tonnes per year of aqueous or non-aqueous liquid industrial waste"

The proposed facility was identified as designated development under Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulations.

The layout of the proposed development can be summarised as follows:

- Facilities are to be located within an existing L-shaped industrial unit measuring approximately 234.6 sq metres.
- Office space will be provided in an existing office which is internal to the unit located on a mezzanine level.
- A wastewater holding pit, oily water separator, water storage tank, DAF plant, sludge tank and centrifuge will be installed within the unit, against the eastern wall.
- All external areas will be concreted to allow stormwater to be directed to an existing drain.
- One driveway provides access to the site from Smith Street. Hardstand areas for vehicle movement will be located at the site entry point and within designated vehicle manoeuvring areas;
- Car parking spaces for visitor and employee parking will be located in an existing car park adjacent to the entrance of the site (this car park comprises part of the No Fuss waste operations in the adjacent unit).
- Bunding will be provided surrounding the process areas within the unit.
- Chemicals including caustic, acid and polymer will be stored on site. (No more than 250L of each on-site).

1.2 Assessment Process

1.2.1 Planning Framework

The proposed J120 oily waste treatment facility was defined as a 'resource recovery or waste facility' under Schedule 1 of the State Environmental Planning Policy (Major Development) 2005 (SEPP 2005) (now repealed) as it would have the capacity to handle and treat over 2600 tonnes of oily waste per year. The proposed project was therefore deemed to be a Major Project requiring approval of the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act).

SEMF prepared an Environmental Assessment (EA) to determine the potential impacts of the proposal on the environment. The EA was prepared in accordance with the provisions of Part 3A of the EP&A Act, together with the Director General's requirements (ref: MP10_0077) issued by the Director General of the Department of Planning (DoP). The DGRs were issued on the 28th of June 2010 and the EA submitted to DoP on the 1st of October 2010.

The DoP requested further information and clarification on some details of the project on 27th of October 2010. The issues were addressed and the EA resubmitted on the 18th of November 2010.

The Director General advised that the EA adequately addressed the environmental assessment requirements (i.e. the DGRs) for the project. The EA was subsequently made publicly available for comment on the 1st of December 2010. The exhibition period ended on the 4th of February 2011.

1.2.2 Public Exhibition

Under Section 75H (3) of EP&A Act, the Director General of the DoP is required to exhibit the EA for a period of *'at least 30 days'.* The EA was submitted on the 18th of November 2010. As the exhibition period covered the end of year and Christmas holiday period the DoP made the decision to increase the exhibition period to 66 days to allow the public to adequate time to access the EA and comprehend the information contained within it.

The EA was made available on the DoP web site (www.planning.nsw.gov.au) and was exhibited at the following locations:

- **Department of Planning**

Information Centre, 22−33 Bridge Street, Sydney;

- **Penrith City Council**

Penrith Civic Centre, 601 High Street, Penrith;

1.3 Summary of Submissions

In total, the DoP received ten (10) submissions and provided copies to No Fuss. Of these:

- Seven were from individuals or local business owners (letters 1-7);
- One was from the Department of Environment, Climate Change and Water (DECCW);
- One was from Penrith City Council; and
- One was from Sydney Water.

In accordance with Section 75H(6) of the EP&A Act, the Director General required No Fuss to address the issues raised in the submissions. The DG set out the requirements in a letter dated 25th of February 2011. SEMF representatives met with No Fuss staff and the DoP to discuss the submissions, the proposal and the DoP's requirements of the 21st of March 2011. The DG resubmitted a letter of requirements on the 20th of April 2011.

This Submissions Report identifies the issues raised in the submissions on the EA and provides additional information to address each issue.

2. ISSUES RAISED IN SUBMISSIONS

Table 1: Summary of issues raised following exhibition of the No Fuss J120 EA

Submission	Specific Issue	Reference
1	Odour	3.1 & 4.1
	Distance to residential properties	4.2
	Traffic	3.3 & 4.3
2	Odour	3.1 & 4.1
	Overdevelopment of Site	4.11
	Truck turning and reversing	4.3.2
	Parking	4.3.3
	Trucks and semi trailers from other companies accessing site	4.3.4
	Flooding	4.10
3	Odours	3.1 & 4.1
	Distance to residential properties	4.2
	Overdevelopment of Site	4.11
	No Fuss drivers parking their own vehicles on the street	4.3.3
	Volumes of waste to be treated	4.4
	Outside contractors depositing waste in semi trailers and other trucks	4.3.4
	Traffic- Parking	4.3.3
	Queuing if multiple trucks are to discharge at both units	4.3.5
	Grease trap waste	4.6
	Bunding	4.8
	Flooding	4.10
	Disposal of Sludge	4.5
4	Odour	3.1 & 4.1
5	Overdevelopment of Site	4.11
	Odours	3.1 & 4.1
	Truck turning	4.3.2
	Parking	4.3.3
	Floods	4.10
6	Odours	3.1 & 4.1
7	Odours	3.1 & 4.1
Penrith City Council	Odours	3.1 & 4.1
	Compliance with Local Planning Instruments	4.9
	Noise	3.2 & 4.7
	Car parking and Traffic	4.3.1 & 4.3.3
	Flooding	4.10
	Distance to residential properties- hours of operation	4.2 & 4.7.1

Table 2: Items outlined in the DG's Issue of Submissions letter (MP 10_0077) 20th April 2011

Specific Issue	Reference in Report
Odour	
"The odour assessment should include a level 2 or 3 odour impact assessment in accordance with DEC's *Technical framework: assessment and management of odour from stationary sources in NSW*. Ensure the assessment discusses the likelihood for cumulative impacts and determines whether there are local climatic or topographic conditions which could exacerbate odour impacts. Note proponents of new activities should incorporate or plan for industry best management practices from the outset to limit the potential for odour problems".	3.1
Noise	
Please amend the noise assessment to include an assessment of impacts on the nearest residential receivers. Include morning shoulder periods as well as a discussion of impacts of after hours deliveries (including weekends). Address meteorological effects on noise.	3.2
Traffic	
Demonstrate that the facility can accommodate staff car parking on site. Demonstrate that trucks have room to enter and exit the site in a forward direction when unit 1's car park is full. As the facility would share the driveway and turning circle with unit 1 demonstrate how the facilities would operate together to ensure there is no truck queuing on the road.	3.3
Statement of Commitments	
The statement of commitments is still unclear as to what is being committed to and by whom. For example Stating both "Using locally generated renewable electricity in place of grid purchased electricity, such as PV solar panels" and "Using purchase of Greenpower from the grid" is contradictory. Also, "alternatively, bioreactors could be installed inside and outside the facility if required depending on the results of the monitoring rounds" is not a commitment. The statement of commitments should include specific actions as well as who is responsible for each commitment. The statement of commitments states that deliveries will only occur between 6am and 6pm yet the EA states that after hours deliveries may occur. Please clarify. Note, the fundamental requirement for preparing a Statement of Commitments is for the proponent to: • Commit to environmental **outcomes**; and • Commit to management and mitigation **measures** to be employed to achieve the environmental outcomes.	5.0

3. ADDITIONAL WORK IN RESPONSE TO SUBMISSIONS

3.1 Odour

The most common issue raised in the letter of submissions was odour, with comments made by seven local residents and/or businesses as well as by Penrith City Council. This issue was discussed between SEMF, No Fuss and the DoP at a meeting held on the 21st of March 2011. In the submissions response the DG requested a level 2 or 3 odour impact assessment in accordance with DEC's *Technical framework: assessment and management of odour from stationary sources in NSW*.

Due to the nature of the site, distance to nearby sensitive receivers and the inability to collect actual data from the site (as not operational) SEMF was advised by the Odour Unit that it was not possible to conduct a level 2 or 3 odour impact assessment that would give meaningful modelling output results.

Based on the above information, SEMF and No Fuss made a decision to address odour by developing plans for an odour capture and treatment system for the facility that would reduce the potential for emissions.

Mr. Greg Tomamichel a SEMF Senior Mechanical Engineer visited the site together with Mr. Anthony Truman a Principal Engineer from KMH on the 19th of September 2011. The site visit was undertaken to determine the sources of odour at each stage in the oily water treatment process which would thereby allow the preparation of a concept design for the installation of a capture and treatment system. Details of the site visit, recommendations and concept design and included in "Odour Control and Treatment- Recommendations Arising from Site Inspection" 4th October 2011 (Appendix B).

The recommendations presented by Mr. Tomamichel and Mr Truman are summarised below:

"It is recommended that a system be put in place to achieve the following aims:

- *Seal odorous parts of the oily water treatment process wherever practicable;*
- *Capture odorous air from sealed process units such that a minimal total airflow is captured and treated;*
- *Treat odorous air in an odour treatment system (which will be a modification of the existing system observed on site); and*
- *Discharge any fugitive emissions that exist within the building space with high speed fans that push air from the building at high velocity and achieve a good rate of dispersion.*

The following elements of the system were identified as potentially odorous and thus recommendations were made to capture and treat odours:

- Delivery pit;
- Holding tank;
- Oil water separator;

- Sludge tank;
- Storage tank and pH control; and
- DAF treatment system.

Recommendations included the use of an existing odour treatment unit.

No Fuss commissioned the installation of odour control ducting to the specification recommended in the SEMF report (Appendix B).

To capture and treat odours, 9-inch ducting with infusers was run from the three extraction points which were determined to have the most potential for odour, to the odour filter unit.

The first extraction point was installed above the holding tank, the second above the oily water separator and IBC's and the third above the DAF unit.

All extractions join at a mutual line which is then run into the odour filter unit.

A 1.2m stack was installed on the outside of the unit, above the odour filter unit, as per the direction of the SEMF report.

Photographs and descriptions of the capture and treatment system are included in Figure 1.

Photograph	Description
	Photograph showing the duct above the DAF unit
	Photograph showing the ducting into the filter unit
	Photograph showing the duct above T1/T2

Photograph	Description
	Photograph showing the duct above the oily water separator
	Photograph showing the duct and ducting above the DAF unit
	Photograph of ducting across ceiling
	Photograph of ducting pipe work running from junction to T1/T2
	Photograph of ducting entering filter unit.

Figure 1: Photographs of odour capture and treatment system and associated ducting

Subsequent to this application for a J120 oily water facility in Unit 2, No Fuss was required to submit a Development Application to Penrith City Council for the continued use of Unit 1 for the treatment and disposal of septic and sullage waste (DA12/0356 submitted 8th May 2012). Penrith City Council requested an odour assessment to accompany the DA. No Fuss commissioned Benbow Environmental to undertake an assessment to fulfil Council's requirements. Benbow Environmental collected two odour samplings during operations in Unit 1 and modelled odour concentrations at nearby sensitive receptors, taking into consideration meteorological conditions in the area.

The assessment found that there were no exceedances of NSW EPA-based odour assessment criteria at any of the nearest potentially sensitive receptors.

No Fuss has already committed to reducing potential odorous emissions by investing in a capture and treatment system in Unit 2 (described above). No Fuss propose to further commit to an odour assessment incorporating collection of samples and modelling during operations in Unit 2 within 12 months of operation consent.

3.2 Noise

The issue of noise was also raised in the submissions. The DoP requested that the noise report be amended to include an assessment of impacts on the nearest residential receivers, information on morning shoulder periods, a discussion of the impacts of after hours deliveries (including weekends) and to address meteorological effects on noise.

Brian Marston, the Director and Principal Consultant of BGMA Pty Ltd (BGMA) Consulting Acoustical Engineers, revisited the site, undertook an assessment and addressed the issues raised by the DoP in a letter report. The report has been attached in Appendix C.

In summary, Mr Marston walked the area surrounding the proposed project location to address the issue of nearby residents. It was noted at the time of the inspection that there were 'residential type' buildings in Smith Street (Nos. 1 and 5-7) and in Railway Street (Nos. 1, 2 and 17).

On further inspection, only one of these addresses appeared to be an "actual residence". This location was identified as No.17 Railway Street which is at a distance of 90 metres from the site.

The other nearest "residential areas" appeared to be Nepean River Holiday Village- located 550 metres to the west of the site and residential areas at a distance of approximately 330 metres to the south-east of the site.

Mr Marston readdressed the acoustic impact of the proposed facility on nearby residents by taking into account the noise level outputs of the proposed development and the distance to residential properties and determined:

- During operation of the facility "Even without barriers, the impact of the building does not extend beyond 15 metres. The No. 17 Railway Street residence is 90 metres away and shielded by intervening buildings"

- In regards to truck noise generated from the engine, reversing beeper and air brake release when truck are visiting the site "None of the on-site truck noise emissions would contribute to 'sleep disturbance'";

- In regards to truck noise generated when entering and leaving the area at night "The truck movement noise levels are well within the traffic noise criteria for traffic on public roads. For road traffic 'awakening response' is only likely to occur if the passing vehicle causes an internal L_{Amax} of 50dB(A) or greater";

- In regards to meteorological effects "Even under adverse meteorological conditions, if the criteria can be satisfied at No. 17 railway Street, the criteria can be satisfied at residence 330 metres away".

Mr Marston of BGMA concluded the letter report by summarising:

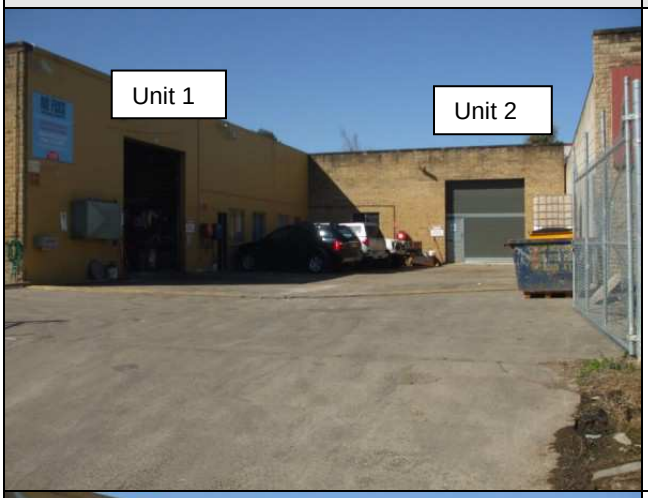
"The above assessment was done for a hypothetical environmental $L_{A90,15min}$ background of 30dB(A). Even under these conditions, there is no adverse impact to residential locations. Viewed in the wider context of the area, the general ambient background of this entire area would be conditioned by traffic noise from Castlereagh Road 1.7 kilometres to the west and the M4 2.4 kilometres to the south. The environmental $L_{A90,15min}$ is more likely to be 35 to 40dB(A)".

3.3 Traffic and Transport

Several submissions raised the issue of on-site parking for staff and visitors as well as truck manoeuvring and reversing on the site. The DoP requested that No Fuss demonstrate that the facility can accommodate staff car parking on site.

The DoP also requested No Fuss demonstrate that trucks have room to enter and exit the site in a forward direction when unit 1's car park is full.

As the facility would share the driveway and turning circle with unit 1, No Fuss was required to demonstrate how the facilities would operate together to ensure there is no truck queuing on the road.

Photograph	Description
	Photograph showing the driveway and car parking area in the forecourt of 10-12 Smith Street Emu Plains.
	Photograph showing the entrance to Unit 1 at 10-12 Smith Street Emu Plains.

Photograph	Description
	Photograph showing the entrance to Unit 2 at 10-12 Smith Street Emu Plains.
	Photograph showing four cars parked in the car park area of the forecourt at 10-12 Smith Street Emu Plains.
	Photograph showing four cars parked in the car park area of the forecourt at 10-12 Smith Street Emu Plains.

Photograph	Description
	Photograph showing a No Fuss delivery truck reversing into Unit 2 at 10-12 Smith Street Emu Plains.
	Photograph showing a No Fuss delivery truck reversed into Unit 1 and a delivery truck reversed into Unit 2 at 10-12 Smith Street Emu Plains.
	Photograph showing a No Fuss delivery truck reversing into Unit 1 at 10-12 Smith Street Emu Plains.

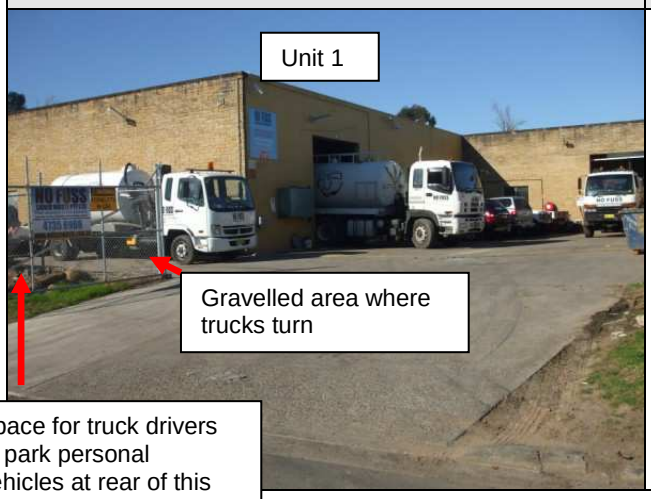
Photograph	Description
	Photograph showing a No Fuss delivery truck reversed into Unit 1, a delivery truck reversed into Unit 2, a delivery truck parked on the hardstand forecourt and four cars in the car park at 10-12 Smith Street Emu Plains.

Figure 2: Photographs of on site parking and truck movements

No Fuss has provision for four (4) cars to park outside of Unit 1 as shown in the photographs above. Additionally there is a gravelled area between the front fence and Unit 1 that can accommodate up to six (6) cars. This is utilised by the truck drivers to park personal vehicles during their shifts.

In addition to a car parking space the gravelled are is used for trucks to turn to ensure they enter and exit the site in a forward facing direction.

4. RESPONSE TO SPECIFIC ISSUES RAISED IN SUBMISSIONS

4.1 Odour Issues

The issue of odorous emissions was raised by all submissions and thus deemed to be the major cause of public concern. A summary of the main odour concerns raised by each of the submissions is paraphrased below:

Odour issues paraphrased from submissions	Submission I.D
"My main concern is the control the control of the odour emissions from this process". *"There was previous emissions of unbearable odour from this site…."* *"A further concern is the inclusion of 30% "organic" waste without any further details. Organic waste can be in many forms but mainly in a decaying state or putrescent condition. This is surely not an odour free arrangement".* *"Consideration should be given to the emission of possible hazardous gases both from the "oily waste water" and organic waste (Methane, Hydrogen?)".* *"In my opinion the facility should be fitted out with approved systems that can contain any odour emissions in a safe and efficient manner….."*	Letter 1
"For the period of time that "No Fuss" has operated out of this site there has been foul odours being emitted from this site". *"Our customers comment now on the very unpleasant smell".* *……."If this plant continues to operate the bare minimum odour control should be filters and extraction rather than "keeping the doors closed when possible……"*	Letter 2
"Over many months there have been odours emitting from the site under their current operating procedures and licences……" *"This area is basically all small businesses with a few employees and a few residential houses nearby……which suffer from the "odours" from the current plant".* *"This occupier currently impacts on the local amenity of the area by way of……and this very unpleasant odour. These problems will only increase with approval of a plant…….".* *"The proposal has no management of odour, other than keeping the door closed".* *"If the existing plant continues to operate it should have a proper filtration system installed prior to any expansion to assist with the current odour problem".*	Letter 3
"The environmental assessment on the planned facility reveals that there will be an odour produced from the plant". *There appears to be no concern for the occupants…….or the difficulty the odour will make finding and keeping tenants".* *"As frequent and pungent as the odour currently is we would not choose to purchase a property in the industrial area".*	Letter 4

Odour issues paraphrased from submissions	Submission I.D
"The current odour produced by No Fuss liquid waste has made working in the units in the Emu Plains industrial area uncomfortable, any increase will further discourage workers, customers, tenants……..".	
"The street is currently subjected to odours at all times of the day and night, concerned that intensification of odour will negatively affect business".	Letter 5
"…….complaints regarding the foul sewage smell that has been noticed coming from the above company on many occasions. *"I feel they will not longer want to rent my premises if this expansion goes ahead and more foul smells are noted, I feel it will then be very difficult to find new tenants if this submission goes ahead and more smell will be evident".*	Letter 6
"We have had, on numerous occasions last year had reason to contact……regarding the foul sewage smell that we suspected coming from No Fuss Liquid Waste". *"If this submission goes ahead we fear that we will be inundated with more foul smelling air".*	Letter 7
"There is a history of odour complaints in the area, particularly in hot weather. Submissions and odour diaries kept by complainants describe fowl overpowering sewage smells". *"Odour is the main environmental concern in relation to the proposed development…"* *"….The report has suggested several odour mitigation measures, however it is very unclear which (if any) of these mitigation measures are going to be employed as part of the proposed development".* *"There is a history of complaints about a sewage odour in the area, with the current "no fuss" operations being identified in submissions and odour diaries. Whilst it was difficult to confirm the source of the odour, it would be equally difficult to confirm it was not emanating from this site".*	Penrith Council

Response to submissions:

Many submissions have raised concerns about the odour they believe is currently originating from Unit 1 (which is approved and licenced to receive and treat septic waste). While it is important to address these issues they should not be confused with the oily water treatment facility that is being proposed at Unit 2.

This facility is different in the type of waste it can accept, the treatment methodologies it will use and the potential odours that may be generated. Nevertheless, No Fuss has invested in the design and installation of a system to treat and capture odours generated from the proposed facility in Unit 2. This system has been described in Section 3.1 and in Appendix B.

No Fuss commit to an odour assessment at Unit 2 within twelve (12) months of operation consent to determine the odour concentrations at nearby sensitive receptors.

4.2 Distance to residential properties

The issue of the distance of the proposed facility to residential properties was investigated and discussed in the revised Acoustic Report (Appendix C). A summary of the main concerns raised by each of the submissions in relation to distance to residential properties is paraphrased below.

Distance to residential properties issues paraphrased from submissions	**Submission I.D**
"There are residences within 50 meters (in Railway Street – at the back of the facility) and 2 more within 80 meters also in Railway Street. Including my property at…." *"……Which mentioned only one house nearby and that is apparently not used at present as a residence. But left other houses where people live nearby as of no consequence."*	Letter 1
"This area is basically all small businesses with a few employees and a few residential houses nearby……." *"This small industrial area is surrounded by residential dwellings to the east and south east".*	Letter 3
"There are residential uses in the vicinity of the site, despite being located within an industrial zone".	Penrith City Council

Response to submissions:

A walkover of the area was undertaken during the initial EA process and again following receipt of submissions. In summary it was concluded that:

- The closest residential building that appears to be used for "residential purposes" is located at No. 17 Railway Street, at a distance of 90 metres from the site;
- There is a residential area located to the south-east of the site at a distance of approximately 330 metres;
- Nepean River Holiday Village is located approximately 550 metres west of the site;
- The residential section of the Emu Plains Corrective Centre is located at a distance of approximately 530 metres;
- Some "residential style" buildings are located on Smith Street and Railway Street, however, these appear to be used for business or storage purposes; and
- The residence at No. 17 Railway Street appears to be the only occupied residential location within 330 metres of the site.

4.3 Traffic, trucks turning, parking

Several submissions raised concerns regarding increased traffic, parking requirements and the ability for trucks to manoeuvre into and out of the site in a forward facing direction. Responses to traffic issues are addressed below.

4.3.1 Traffic flow

Traffic flow issues paraphrased from submissions	Submission I.D
"And traffic matters". *"As to the traffic report……but failed to mention that during morning and afternoon peaks delays of 10 to 15 minutes are not unknown……."*	Letter 1
"……any approval to basically double their output will double……traffic….."	Letter 2

Response to submissions:

No Fuss currently operates a liquid waste management service out of the adjoining unit at 10-12 Smith Street Emu Plains (Unit 1). The current operations utilise four (4) trucks ranging in capacity from 6,000 litres to 24,000 litres. These trucks would be used to service the proposed facility in Unit 2. Thus **no additional trucks would be added to the fleet currently operating at this address**.

No Fuss proposes that three (3) employees will work on site each day in addition to three (3) or four (4) truck drivers. These are the same staff that are currently employed in Unit 1 therefore there will be no additional staff travelling to or from the site each day.

For the proposed facility, No Fuss estimate that between one (1) to two (2) trucks would access the property three (3) times per day to unload i.e. there would be between three (3) and six (6) truck movements per day. If the operation reaches full capacity between nine (9) and twelve (12) trucks may enter the property to unload each day. This is a **high-end estimate** of the number of truck movements that **may potentially occur in the future**.

A traffic count was undertaken as part of the EA submitted for this project. The results from the traffic count, when compared to the number of proposed No Fuss truck movements, showed that the operation of the proposed facility would not alter the current level of service on Smith Street or on Old Bathurst Road. **The study concluded that traffic flow from the proposed development would be considered to be negligible**.

The EA was completed and submitted prior to the completion of a new car parking facility at Emu Plains Station. The car park is now fully operational and heavily utilised.,The small numbers of truck movements that are proposed by No Fuss are still believed to be negligible when compared to current traffic conditions. The number of truck movements is limited by the operating capacity of the proposed facility, i.e. the number of truck movements are limited by the volume of liquid that can be treated per day.

4.3.2 Entering and Exiting the Site

Issues of entering and exiting the site paraphrased from submissions	Submission I.D
"…..the inability to access the no fuss site without reversing into the street as another consideration".	Letter 1
"Large trucks turning and reversing in this dead end street impact on the surrounding businesses…." *"Trucks must also move in and out in a forward direction, this is near impossible at present and is not practical on this site even though the design indicates unauthorised use of the cleared landscape area".*	Letter 2
"The trucks are reversed into the site and parked on the hardstand adjacent to both doorways". *"The traffic management plan indicates that the trucks will use the landscape setback area as turning circle to access the plant. This is near impossible considering the driveway angle and the limited space for turning large rigid trucks- it looks OK on paper……"* *"The current operation in the front unit prevents any clear truck movement to the back unit, but there is no mention of what happens if a truck is discharging in the front area and access is required to the back unit- will they park on the street, blocking a lane of traffic as there is no on-street parking available during the day and wait, as there is no other option".*	Letter 3
"Smith Street is a dead ability for large trucks to turn around" *"The proposed truck turning circle will impact the proposed on site parking.*	Letter 4
"……truck parking and manoeuvring is to be satisfactorily addressed and service vehicles must be able to enter and exit the site in a forward direction with all manoeuvring occurring on-site".	Penrith City Council

Response to submissions:

As outlined in the EA trucks **only** enter and exit the property in a **forward** facing direction. No trucks reverse onto Smith Street or from Smith Street to the property at 10-12 Smith Street. As trucks only enter and exit the site in a forward facing direction they **do not turn in the dead end street.**

As outlined in the EA the No Fuss trucks utilise a gravelled area at the front of Unit 1 to turn and manoeuvre into and out of the site in a forward facing direction. This turning area is within the fenced boundary of the site. A portion of this area is utilised by the truck drivers to park personal vehicles, however, the area is large enough to accommodate both parked vehicles and allow room for trucks to turn.

While it is not envisaged that multiple No Fuss trucks would be scheduled to return at the same time to unload, on the chance this were to occur, there is provision within the hardstand area to accommodate the waiting trucks thereby ensuring they are not left to park on the street or block the road.

4.3.3 Parking

Issues of parking at the site paraphrased from submissions	Submission I.D
"……not to mention their employees using all the on street parking because there is none available onsite during the day". *"Any other developments must provide on site parking for employees and customers, why should this application be exempt from this?"* *"….any approval to basically double their output will double…..parking…..".*	Letter 2
"This occupier currently impacts on the local amenity of the area by way of traffic- parking…." *"At present the drivers park their own vehicles on the street as there is no provision for on site parking".*	Letter 3
"The proposed truck turning circle will impact the proposed on site parking".	Letter 5
"A Traffic Report is recommended to address potential impacts including sufficient car parking provision on site".	Penrith City Council

Response to submissions:

There is existing car parking space at 10-12 Smith Street, which is utilised for the current facility operating out of Unit 1. The car park has the capacity for four (4) vehicles. In addition, the gravelled area in front of Unit 1 has the capacity to fit six (6) parked cars while still maintaining enough space to be utilised for truck turning. The proposed facility would be staffed by the same personnel as the existing facility in Unit 1; therefore, **no additional staff would be working or parking at the site** and current car parking is adequate such that No Fuss staff and truck drivers park vehicles on the site.

The No Fuss business is not of the industry type that receives regular visitors. Sales representatives are estimated to visit and canvass the street once per week. There are adequate parking facilities on site to allow for visitors. See section 3.3 for photographic evidence of car parking and truck unloading.

It must be noted that the EA for this proposal was submitted prior to the completion of a new car park at the Emu Plains train station. The new car park has alleviated some of the parking congestion that was previously seen on Smith Street.

4.3.4 Truck and Semi-Trailers from Other Companies Accessing the Site

Issues of trucks and semi-trailers from other companies accessing the site paraphrased from submissions	Submission I.D
"On many occasions the site is accessed by trucks and semi-trailers from other waste companies…are they operating under their current DA?"	Letter 2
"…….not to mention outside contractors depositing waste in semi-trailers and other trucks".	Letter 3

Response to submissions:

No Fuss receives deliveries from outside contractors as part of the current operations in Unit 1. A maximum of one truck per day from outside contractors currently visit the site to deliver septic waste by appointment- rarely are these semi-trailers. The trucks enter and exit the site in a forward facing direction and take approximately 15 minutes to unload. The infrequency of the outside contractors utilising the site and the short period of time for which they require access does not pose significant traffic issues for the proposed new facility.

4.3.5 Queuing if multiple trucks are to discharge at both units

Issues of multiple trucks discharging at the site at any one time paraphrased from submissions	Submission I.D
"The current operation in the front unit prevents any clear truck movement to the back unit, but there is no mention of what happens if a truck is discharging in the front area and access is required to the back unit- will they park on the street blocking a lane of traffic as there is no on-street parking available during the day and wait, as there is no other option".	Letter 3

Response to submissions:

As can be seen in the series of photographs in Section 3.3 even with a truck unloading in Unit 2 a second truck can turn in the gravelled area in front on unit 1 and reverse into Unit 2 to unload. On the rare occasion another truck should arrive it would wait on the gravelled area for the other trucks to leave before it proceeds. Trucks would not be left waiting on the street.

4.4 Volumes of Waste to be treated

Submission letter number 3 raised a concern regarding the volumes of waste to be treated. Clarification for this submission is outlined below.

Issues of volumes of waste to be treated paraphrased from submissions	Submission I.D
"The volume of 100,000 litres/ day is not for the operator solely, but seems to accommodate outside sources, because they state that only 10,000 litres/ day will be processed by them".	Letter 3

Response to submissions:

No Fuss submitted the proposal after careful consideration of achievable operating limits. No Fuss estimates that the plant could be expected (initially) to receive and treat 10,000 litres. This figure is based on a realistic estimation of potential clients. After 1-2 years No Fuss estimate they may have the potential (if market demand should increase) to process 100,000 litres of oily waste.

This submission appears to assume that No Fuss will only be processing 10,000 litres of their own waste with the remainder presumably coming from outside sources. This assumption appears to have come from a misconstrusion of the EA.

In the event that No Fuss were to be operating at full capacity and demand from outside companies occurred this would still only allow for two external contractor trucks to visit the site per day.

4.5 Disposal of Sludge

Submission letter number 3 raised a concern regarding the disposal of sludge. Clarification for this submission is outlined below.

Issues of sludge disposal paraphrased from submissions	Submission I.D
"The report does not detail how or where the sludge and waste is stored on site before transport and how it is transported".	Letter 3

Response to submissions:

Sludge is dried during the treatment process before being placed into skip bins. The bins are collected by a licenced contractor and disposed of at a licenced receiver facility.

4.6 Grease Trap Waste

Submission letter number 3 raised a concern regarding the treatment of grease trap waste. Clarification for this submission is outlined below.

Issues of grease trap waste paraphrased from submissions	Submission I.D
"Any approval to expand this operation to receive an extra 100,000 litres/day of oily waste water or possibly grease trap waste for processing is going to have a major impact….."	Letter 3

Response to submissions:

The application submitted for No Fuss is for a J120 Oily Water Plant. The waste code name for this plant is waste oil/hydrocarbons mixtures/emulsions in water. The waste description includes:

- Vehicle washdown;
- Boiler blowdown sludge;
- Cooling tower washwaters;
- Textile effluent and residues nos;
- Industrial plant washwaters;
- Ethylene glycol-water (antifreeze);
- Oil/hydrocarbon (<50%) mixed with water;
- Oil/hydrocarbon (<50%) mixed with water;
- Other (cutting oils, soluble oils); and
- Oil/hydrocarbon mixed with water nos.

No Fuss currently pump grease trap waste on occasion but deliver the waste directly to an appropriately approved treatment facility.

No Fuss **does not** and **will not** accept grease trap waste on site. **Grease trap waste may only be accepted by a K110 Plant.**

4.7 Noise

Penrith City Council raised the issue of noise in the submissions. A response is included below.

Issues of noise paraphrased from submissions	Submission I.D
"The application is accompanied by a noise assessment prepared by BGMA Pty Ltd dated September 2010. The proposed activity is based in an existing industrial area and the operators are to ensure the use of accords with the relevant noise criteria established in the aforementioned noise report with the provisions of the Industrial Noise Policy. You are advised that there are remnant residential uses within the industrial zone in the vicinity of the site. Consideration is to be given to the hours of operation, particularly outside normal business hours (evening and weekends) and the noise generated from delivery vehicles and other sources".	Penrith City Council

Response to submissions:

The noise assessment undertaken by BGMA for the No Fuss EA was revisited to address issues raised by Penrith City Council and the Department of Planning. The assessment has been summarised in Section 3.2 and the amended noise report appended (Appendix C).

The operations of plant and equipment within the proposed unit would not impact on nearby residents. Similarly, trucks making deliveries and travelling on Smith Street and Old Bathurst Road would not cause adverse impacts on residential locations.

4.7.1 Hours of Operation

As outlined in the EA the facility would receive waste deliveries between 6.00am and 6.00pm, 7 days per week. Processing of waste would occur between 8.00am and 6.00pm. Trucks would only deliver outside of these hours on emergency call-outs which are rare occurrences. These emergency calls are communicated to the EPA. Loads delivered outside working hours would be left in the truck inside the locked and secured premises and processed the following business day.

4.8 Bunding

Submission letter number 3 raised a concern regarding bunding at the proposed facility. A response to this submission is outlined below.

Issues of grease trap waste paraphrased from submissions	Submission I.D
"Other environmental impacts that need to be addressed are "bunding" on the site being able to contain a major spill. I believe that the recommended capacity is for the largest container of volume plus 10%. The fact that semi-trailers discharge in the carpark area now, the bunding should be capable of retaining at least 30,000 litres plus 10% otherwise any spill is down the driveway and into the stormwater gutter".	Letter 3

Response to submissions:

Bunding is in place within Unit 2 with a capacity to contain 21,000 litres. This is over 110% of the largest container in the Unit. There is bunding outside of the unit in the hardstand that has the capacity to contain 10,000 litres.

The trucks begin to discharge once reversed into Unit 2. While parked on the hardstand the liquid waste is self-contained in the truck and is no different to the vehicle being on a public road.

No Fuss have spill kits and emergency response procedures for use in the unlikely event of a spill on the hardstand outside the unit.

4.9 Compliance with Local Planning Instruments

Issues of compliance with Planning Instruments paraphrased from submissions	Submission I.D
"*Local Environmental Plan (LEP)* *The Industrial Land LEP 1996 was superseded 22 September 2010. The planning framework outlined in the EA does not satisfactorily address Penrith LEP 2010 which now applies to the site.* *The site is zoned IN1 (General Industrial). The proposed use is likely to be defined as a 'waste management facility' which is not* ***a permissible land use in the zone.*** *A 'waste management facility' is separately defined as:* *"A facility* ***used*** *for the storage,* ***treatment****, purifying* ***or disposal*** *of waste,* ***whether or not it is also used****, for the* ***sorting processing*** *recycling,* ***recovering****, use or reuse of* ***material*** *from that* ***waste****,* ***and whether or not any such operations are carried out on a commercial basis****. It may include* ***but is not limited to:*** *a) An extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and* *b) Eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal. "* *NB: The Infrastructure State Environmental Planning Policy (ISEPP) permits "waste or resource management facility" which is a group term for "waste or resource transfer station", "resource recovery facility" and "waste disposal facility". It does NOT permit "waste management facility".* *Except as otherwise permitted and determined by the Minister for Planning under Part 3A of the Environmental Planning Assessment Act 1979 (as amended), a waste management facility is prohibited in the zone. The application is not supported by Council for this reason.* *Should the application proceed, consideration is to be given to the aims and objectives for the plan and the zone as well as provisions pertaining to design and land capability. This includes relevant flood controls referred later in this submission.* ***Development Control Plans*** *Penrith Development Control Plan 2010 applies to the site. Should the application proceed, Part A (Introduction), Part B (General Principles), Part C (Site Planning and Design Principals) including C3 (Water Management), C5 (Waste Management), CI0 (Transport, Access and Parking), C12 (Noise and Vibration), D4 (Industrial development) are to be considered in the proposal. Your attention is also drawn to Part	Penrith City Council

Issues of compliance with Planning Instruments paraphrased from submissions	Submission I.D
C, Section 3.5 (Flood Liable Land) in relation to flooding (refer to heading titled "Flooding and stormwater" later in this report). ***State Planning Legislation** & **Instruments*** *Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Protection of the Environment Operations (PoEO) Act 1997, Roads Act 1993, State Environmental Planning Policy (SEPP) No.33 (Hazardous and Offensive Development) and SEPP (Infrastructure) 2008 apply to the site and may apply to the proposal.* *Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River applies to the site and is a deemed SEPP. Environmental considerations throughout the instrument will apply. There are triggers for further assessment within this instrument for waste-related activities."*	

Response to submissions:

Planning framework, approvals and licensing relevant to the application was discussed in Section 7 of the Environmental Assessment prepared by SEMF (September 2010). At the time the application was submitted the Penrith Local Environmental Plan 1996 (Industrial Land) was in force. This has since been superseded by the Penrith Local Environment Plan 2010 (PLEP).

Legislation, Environmental Planning Instruments and Subordinate Documents relevant to the application are discussed below:

4.9.1 Applying Legislation, Environmental Planning Instruments & Subordinate Documents

Environmental Planning and Assessment Act 1979 (EPAA);
Environmental Planning and Assessment Regulation 2000 (EPAR);
Protection of the Environment Operations Act 1997 (PEOA);
Local Government Act 1993 (LGA);
State Environmental Planning Policy No 33 Hazardous and Offensive Development (SEPP HOD);
State Environmental Planning Policy (Infrastructure) 2007;
Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (SREP 20);
Penrith Local Environment Plan 2010 (PLEP);
Penrith Development Control Plan 2010 (PDCP).

Penrith Local Environmental Plan 1993

Zoning

The site is located within the IN1 General Industrial Zone under Penrith Local Environmental Plan 2010 (PLEP).

The objectives of the IN1 General Industrial Zone are:

- *To provide a wide range of industrial and warehouse land uses;*
- *To encourage employment opportunities;*
- *To minimise any adverse effect of industry on other land uses;*
- *To support and protect industrial land for industrial uses;*
- *To promote development that makes efficient use of industrial land; and*
- *To permit facilities that serve the daily recreation and convenience needs of persons working in industrial areas.*

The proposal as submitted is consistent with zone objectives.

Permissibility

SEMF agrees that the proposed use of the site may be described as a 'waste management facility' as defined in the PLEP. Waste management facility is a purpose prohibited in the IN1 General Industrial Zone under the PLEP, notwithstanding that this landuse is consistent with the objectives of the particular zone.

The use may also be described as a 'waste disposal facility'.

Given that the IN1 zone is a 'prescribed zone' under SEPP Infrastructure (see below), the use is permissible by virtue of the latter environmental planning instrument (EPI). SEPP Infrastructure Prevails to the extent of an inconsistency between the two EPI's (refer Clause 8(1) SEPP Infrastructure).

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) aims to provide a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the development assessment process.

SEPP Infrastructure supports increased flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

In regard to the abstract referred to above, notwithstanding the status of the current landuse as a prohibited purpose under the PLEP, SEPP Infrastructure permits a *waste disposal facility* in a 'prescribed' zone. The IN1 zone is, amongst other things, a prescribed zone (refer various definitions at Clause 120, SEPP Infrastructure). Subject to Clause 8 of SEPP Infrastructure, the Policy prevails over PLEP to the extent of an inconsistency.

Waste disposal facility has the following definition ascribed to it:

waste disposal facility *means a facility for the disposal of waste by landfill, incineration or other means, including associated works or activities such as recycling, resource recovery and other resource management activities, energy generation from waste gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.*

Pursuant to s121 of SEPP Infrastructure, development for the purpose of 'waste or resource management facility' (which incorporates the definition of a 'waste disposal facility') may be carried out by any person with development consent in the IN1 zone (PLEP).

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan No 20 applies to the site.

Sydney Regional Environmental Plan No 20 (SREP 20) (a Deemed SEPP) endeavours to integrate planning with catchment management in order to protect the Hawkesbury-Nepean river system. The plan covers water quality and quantity, environmentally sensitive areas, river based scenic quality, agriculture, and urban and rural/residential landuses.

SREP 20 controls development that has the potential to impact on the riverland environment. The plan applies to all parts of the catchment in the Sydney Region including Penrith, but does not extend to land covered by Sydney Regional Plan No. 11 - Penrith Lakes Scheme. SREP 20 is supported by an Action Plan, which includes actions necessary to improve existing riverine conditions.

Part 2 of SREP 20 provides general planning considerations, planning policies and strategies for the consent authority in dealing with development applications. These include the following matters:

- Total catchment management;
- Environmentally sensitive areas;
- Water quality;
- Water quantity;
- Cultural heritage;
- Flora and fauna;
- Riverine scenic quality;
- Agriculture/aquaculture and fishing;
- 'Rural Residential' development;
- Urban development;
- Recreation and tourism; and
- The Metropolitan strategy.

The site of the proposed development is located within an established industrial area and involves the use of an existing factory unit. No additional construction is proposed. The proposed application is not expected to create additional impacts to the specific planning policies and strategies listed in SREP 20.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The proposed development has been considered against SEPP 33 (see SEMF Environmental Assessment, September 2010). SEMF determined that providing mitigation strategies and management plans are implemented, the operation of the oily water plant is not expected to pose a *significant* risk to human health, life or property or to the biophysical environment. Nor is it expected to emit a polluting discharge that would cause a *significant* adverse impact in the locality or on existing or likely future development on other land in the locality.

State Environmental Planning Policy (Major Development) 2005

The proposed development was considered against State Environmental Planning Policy (Major Development) 2005 (see SEMF Environmental Assessment, September 2010). This triggered the requirement for Part 3A approval to which this submissions report has been supplied for determination.

Penrith Development Control Plan

Subordinate to the PLEP is the Penrith Development Control Plan (PDCP). PDCP came into effect on 10 December 2010 and applies to Penrith's rural lands, industrial lands and the St Marys Town Centre.

This Plan supports *Penrith Local Environmental Plan 2010* and includes controls that apply to site planning, vegetation management, landscape design, transport, access and parking and subdivision, as well as specific controls for rural and industrial land uses.

The matters referred to in the PDCP have been considered and addressed below. The following considerations are relevant to this application:

Parking and Manoeuvring

The site has sufficient parking for staff and visitors and for the trucks that would be used on site. Additionally, there are provisions to allow trucks to enter and exit the site in a forward facing direction. Parking and manoeuvring has been discussed in Sections 3.3 and 4.3.

Waste Management

Waste management has been discussed in Section 6 of the Environmental Assessment (SEMF September 2010). Specific waste management requirements for the site will be outlined in an Environmental Management Plan (EMP). The EMP will be prepared following development approval and will include any consent conditions.

Noise and Vibration and Other Impacts (Odour)

An acoustic assessment was undertaken and submitted with the Environmental Assessment of the proposed development. An amended assessment was prepared in response to submissions (see section 3.2 and Appendix C).

No Fuss has installed a system to capture and treat odours to reduce impacts to local sensitive receptors. Odour has been discussed in Section 3.1.

Water Management

Section 3.5 of PDCP “Flood liable lands” applies to the site. This is discussed further in Section 4.10 (below).

4.10 Flooding

Issues of flooding paraphrased from submissions	Submission I.D
"After viewing the recent flooding in QLD, we are amazed that you can have open pits and tanks in this current proposal, when anyone who knows this area, knows it is likely to flood at some point in time, as it has in the past. The downstream areas will be polluted with this foul waste!"	Letter 2
"Another impact is the possibility of flooding (1/100) and the capability of the plant being able to retain all liquids on site, when the report talks of open pits and holding tanks. This is just not acceptable considering the potential damage, when it can be avoided".	Letter 3
"The site is low lying and susceptible to flood, concerned over impacts on open vats".	Letter 5
"The site has been classified as a low flood island. This is a major issue that has not been addressed in the Environmental Assessment Report. The application must demonstrate that: *a. The proposed use is appropriate in a low flood island.* *b. Adequate provision can be made for the evacuation of employees and that any such plan is compatible with the requirements of the State Emergency Services.* *c. The proposal is socially responsible with the potential for loss of property and employment if business is impacted during flood events.* *d. The proposal is environmentally responsible if flood waters damage the treatment plant.* *e. Post development stormwater runoff from the site shall not exceed pre-development runoff.* *The development must be assessed against the State Government Floodplain Development Manual and the objectives of Council's Development Control Plan. Insufficient information has been provided to assess the proposal. Flood, site and floor levels to Australian Height Datum and details of the plant and storage setup would be required to fully assess the proposal".*	Penrith City Council

Response to submissions:

No Fuss staff have over 15 years experience in the waste industry in the collection and treatment of liquid wastes. The staff are aware of the potential impacts of their operations and the effects flooding may have on staff, local residents, property and the environment. No Fuss would ensure plans are in place to identify and manage risks associated with flooding on Unit 2. No fuss has recently prepared similar plans for their operations in Unit 1.

In response to Penrith City Council and Section 3.5 "Flood liable lands" of PDCP:

According to the Flood Planning Land Map sheet in PLEP 2010 (FLD_005) the site is not located within a flood planning area. Penrith City Council's Senior Engineer – Major Developments, however, has indicated that the site is located on a 'low flood island'.

Information provided by Penrith City Council has advised the mainstream 1% AEP flood level in the vicinity of the site (Unit 2 10-12 Smith Street) is estimated to be 25.2m AHD. This flood level is based on the Nepean River – RUBICON (Water Board 1994) flood model.

A survey of the site was undertaken by Matthew Freeburn Surveyors on 3rd of May 2012 (to support an application relating to Unit 1) to determine the land and floor levels of the factory units and position in respect of the 1% AEP flood level. The report indicated the floor level of the factory units varies from 25.08 to 25.10 metres Australian Height Datum. These levels are below the 1% AEP flood level provided by Council.

Although the floor levels surveyed were just below the 1% AEP flood level provide by Council, the Penrith City Council's Development Control Plan (Section C3.5) for Flood Liable Land Part 8 includes the following information:

8. Change of Use of Existing Buildings

Development consent for change of use of an existing building with floor levels below the 1:100 ARI flood will only be given where it can be demonstrated by the applicant that:

a) There is no foreseeable risk of pollution associated with the proposed use of the building in the event that the 1:100 ARI flood occurs;

b) All practical measures shall be taken to minimise the risk of flood damage to the property within the building by the 1:100 ARI flood. These measures could include:

> *i. Flood proofing the building to the level of the 1:100 ARI flood by either construction of a wall or levee bank or some other means of preventing water entry;*
>
> *ii. Raising the floor level of the building to the level of the 1:100 ARI flood; and/or*
>
> *iii. Storing all equipment, machinery and stock above the 1:100 ARI flood level.*

The Development Application for Unit 2 is considered a 'change of use' (no works are proposed), and therefore this section (section 8) of the DCP is considered the most relevant to the application.

Based on the information provided in Penrith City Council's DCP (Section C3.5) for Flood Liable Land Part 8 Council may grant consent to the application regardless of the floor levels being below the modelled 1% AEP flood levels.

The following information is provided in regard to site operations and risks that may be posed by potential flooding to the 1% AEP flood level and addresses C3.5 Part 8:

a) No Fuss has recognised that flooding may cause potential risks to the health and safety of employees and the public, company operations, property and the local environment. As such No Fuss has incorporated flood planning into the company's Emergency Management Plan and Environmental Management Plan (Developed for Unit 1) and has registered with the State Emergency Service (SES) Business

FloodSafe Plan. Following consent for operations in Unit 2 No Fuss would develop similar plans for Unit 2. No Fuss has identified risks to all aspects of their operations and provided strategies to mitigate risks. No Fuss has developed plans to evacuate site, procedures to ensure all waste is contained or diverted from site to prevent spills/overflows/pollution and has identified the ability to transfer property at greatest risk of damage to the mezzanine level in Unit 1.

b) The floor of the existing factory unit is only approximately 100-120mm below the 1% AEP flood level. The unit is bunded and is designed for "wet type" activities to be undertaken internally e.g. hosing. All equipment and machinery proposed to be used in the factory unit may be expected to be resistant to contact with water to the levels predicted by the 1% AEP flood.

From the information above it is reasonable to conclude that, provided management plans are implemented by No Fuss:

a) there is no foreseeable risk of pollution associated with the proposed use of the building in the event that the 1% AEP flood; and

b) that No Fuss has taken all practical measures to minimise the risk of flood damage to the property within the building.

In regard to Penrith City Council's Development Control Plan (Section C3.5) for Flood Liable Land Part 13- "Storage of Potential Pollutants above the 1:100 ARI Flood" No Fuss has advised that any chemicals that may be used on site (e.g. cleaning products) would be stored on shelves above the 1:100 ARI flood level.

Management Plans would be developed by No Fuss to include strategies to divert J120 waste from being transported to site or, in the event that wastes are already on site, strategies to contain the wastes in sealed and bunded tanks in the event of a flood event.

Of additional note the proposed use of the site does not require development of any buildings/structures or additions or alterations to any buildings/ structures. The entire process will be carried out in an existing factory unit.

As the proposal does not require new development, alterations, additions or changes to structures on site there will be no changes to stormwater flow or the existing flood regime, and there will be no increase in flood hazard or risk to other properties.

Likewise as Unit 2 is an existing structure with hardstand and drainage the proposed operations will not increase the likelihood or impacts of erosion, siltation, destruction of riparian vegetation or instability of river banks or waterways.

4.11 Overdevelopment of the Site

Issues of overdevelopment of the site paraphrased from submissions	Submission I.D
"This seems to us an overdevelopment of a very small site which is unsuitable for this type of operation".	Letter 2
"This is an overdevelopment of a small site which is too small for this scale of operation, involving large trucks with the likely potential to further adversely impact on the amenity of the area".	Letter 3
"It is an overdevelopment of the property".	Letter 5

Response to submissions:

The proposed operations are to be undertaken within the confines of a building that already exists on the site. There will be no additional external development required for No Fuss to operate the J120 facility. It is therefore not an overdevelopment of the site. The trucks that would be utilised for the operations are already operating at the adjoining unit.

5. REVISED STATEMENT OF COMMITMENTS

This revised Statement of Commitments identifies environmental management and mitigation measures that No Fuss proposes to commit to implement during operation of the J120 treatment facility.

Table 3: Commitments to mitigate environmental risks

Outcome	Commitment	Timing	Responsible Person
Environmental management	Prepare and implement an Environmental Management Plan for operation consistent with recommendations of EA and conditions of approval.	Prior to works commencing. EMP to be updated to reflect any changes in operation.	Manager
Minimise emissions	Maintain and service plant and equipment	During operation	Manager
Waste management	Prepare and implement a Waste Management Plan for operation consistent with recommendations of EA and conditions of approval.	Prior to works commencing. WMP to be updated to reflect any changes in operation.	Manager
	Classify incoming and outgoing wastes	During operation as required by licence	Manager
	Disposal of wastes to appropriate waste facilities	During operation	Manager
Minimise operational noise	Waste processing to occur between hours of 8am-6pm Monday to Friday (see section 4.7.1)	During operation	Manager
	Maintain and service plant and equipment	During operation	Manager
Minimise offensive odour	Commission a qualified odour consultant to undertake an odour assessment including sampling during plant operations	Within first 12 months of operation	Manager to arrange
Monitor environmental performance	Implement monitoring activities identified in EA	During operation	Manager
Flood planning	Prepare Emergency Management Plan incorporating Flood Planning	Prior to works commencing. EMP to be updated to reflect any changes in operation.	Manager

Appendix A:
Submissions Received by DoP

NSW GOVERNMENT | Planning

Contact: Emma Barnet
Phone: (02) 9228 6550
Fax: (02) 9228 6466
Email: emma.barnet@planning.nsw.gov.au

Our ref: 0903175 P1

Mr Steven Utley
No Fuss Liquid Waste
1/10-12 Smith Street
EMU PLAINS NSW 2750

Dear Mr Utley,

Subject: No Fuss Waste Water Treatment Facility, (MP 10_0077) – Issue of Submissions

The exhibition of the Environmental Assessment for the above project ended on Friday 4 February 2011. Please find enclosed copies of the submissions received by the Department during the exhibition (**Attachments 2** and **3**).

The Department has reviewed the EA and has raised issues in relation to odour, noise, and traffic. Details are provided at **Attachment 1**.

The Director-General, pursuant to s75H(6) of the Act, now requires a response to the issues raised in all submissions to be provided. It is requested that a response be submitted within one month from the date of this letter. If you are unable to meet this timeframe please contact the Department.

A preferred project report is to be prepared if changes are proposed to the project to minimise its environmental impact. If a preferred project report is to be prepared, please advise the Department. In addition, a revised statement of commitments is to be provided incorporating any amendments following your response to the submissions.

If you have any queries regarding this letter, please contact Emma Barnet on the above details.

Yours sincerely,

C. Ritchie 20/4/11.

Chris Ritchie
Manager - Industry
Mining and Industry

NSW GOVERNMENT | Planning

Attachment 1 Department of Planning issues 10_0077

1. Odour

The odour assessment should include a level 2 or 3 odour impact assessment in accordance with DEC's T*echnical framework: assessment and management of odour from stationary sources in NSW.*

Ensure the assessment discusses the likelihood for cumulative impacts and determines whether there are local climatic or topographic conditions which could exacerbate odour impacts.

Note, proponents of new activities should incorporate or plan for industry best management practices from the outset to limit the potential for odour problems.

2. Noise

Please amend the noise assessment to include an assessment of impacts on the nearest residential receivers. Include morning shoulder periods as well as a discussion of impacts of after hours deliveries (including weekends). Address meteorological effects on noise.

3. Traffic

Demonstrate that the facility can accommodate staff car parking on site.
Demonstrate that trucks have room to enter and exit the site in a forward direction when unit 1's car park is full.

As the facility would share the driveway and turning circle with unit 1 demonstrate how the facilities would operate together to ensure there is no truck queuing on the road.

4. Statement of commitments

The statement of commitments is still unclear as to what is being committed to and by whom.

For example Stating both "Using locally generated renewable electricity in place of grid purchased electricity, such as PV solar panels" .and "Using purchase of Greenpower from the grid "is contradictory.

Also "alternatively, bioreactors could be installed inside and outside the facility if required depending on the results of the monitoring rounds" Is not a commitment.

The statement of commitments should include specific actions as well as who is responsible for each commitment.

The Statement of commitments states that deliveries will only occur between 6am and 6pm yet the EA states that after hours deliveries may occur. Please clarify.

Note, the fundamental requirement for preparing a Statement of Commitments is for the proponent to:

- commit to environmental **outcomes**; and
- commit to management and mitigation **measures** to be employed to achieve the environmental outcomes.

NSW GOVERNMENT | Planning

Attachment 2 **Copies of public submissions received for 10_0077**

23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Phone: (02) 9228 6111 Fax: (02) 9228 6191 Website: www.planning.nsw.gov.au

Toliff Pty Ltd.
Trading As
Emu Plains Auto Electrical
11 Railway Street
EMU PLAINS NSW 2750
Ph: 0247 352438
Mob: 0408 303243
Email: toliffpty@bigpond.com
ABN: 52 089 680 802
AU #: 13315
Fax: 0247 352439
Web: www.emuplainsautoelectrical.com.au

10th January 2010

Major Development Assessment
Department of Planning
GOP Box 39
Sydney NSW 2001

RE: Project NO: 10_0077

To Whom It May Concern,

We are writing to advise that we are against the submission from No Fuss Liquid Waste P/L.

We have had, on numerous occasions last year had reason to contact Alison Cattelle of the Health & Building Environment Department at Penrith City Council (both by phone call & letter) regarding the foul sewage smell that we suspected coming from No Fuss Liquid Waste. She suggested we make the log each time we could smell the sewage.

If this submission goes ahead we fear that we will be inundated with more foul smelling air.

When we noticed the smells last year there were times that we had to close our premises & thus turn customers away as the smell was unbearable. When we opened up the following day the smell had gotten into our factory & thus hung around for a few hours till the air had circulated around & blown it out of the factory.

We do not give political donations of any kind.

Kindest regards,

Anthony Stevens
BUSINESS OWNER

Toliff Pty Ltd.
Trading As
Emu Plains Auto Electrical

11 Railway Street
EMU PLAINS NSW 2750
Ph: 0247 352438
Mob: 0408 303243
Email: toliffpty@bigpond.com

ABN: 52 089 680 802
AU #: 13315
Fax: 0247 352439

Web: www.emuplainsautoelectrical.com.au

10th January 2010

Major Development Assessment
Department of Planning
GOP Box 39
Sydney NSW 2001

RE: Project NO: 10_0077

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When we noticed the smells last year there were times that we had to close our premises & thus turn customers away as the smell was unbearable. When we opened up the following day the smell had gotten into our factory & thus hung around for a few hours till the air had circulated around & blown it out of the factory.

We do not give political donations of any kind.

Kindest regards,

A.S.E

Anthony Stevens
BUSINESS OWNER

(1)

Objection to the proposed oily and biological waste treatment as proposed in 10-12 Smith Street Emu Plains.

Project application Number 10_0077

My main concern is the control of the odour emission from this process. And traffic matters.

There was previous emissions of unbearable odour from this site and reports to the Penrith City Council was initially "fobbed" off and after further inquiries with other owners it was admitted that the "NO FUSS LIQUID WASTE FACILITY" was the emitter. Council officer said it be gone in a day or two. In the meantime me and my family suffered. Other owners lodged strong protests also to my knowledge.

There are residences within 50 meters (in Railway Street – at the back of the facility) and 2 more within 80 meters also in Railway Street. Including my property at #17.

This is despite the 25 year experienced "odour" consultant report. Which mentioned only one house nearby and that is apparently not used at present as residence. But left the other houses where people live nearby as of no consequence. In my opinion it would have been more helpful if the report would include a visit to a existing similar site and the inclusion if this site is in a mixed residential or only fully industrial site. That would lend some more weight to the report.

A further concern is the inclusion off 30% "organic" waste without any further details. Organic waste can be in many forms but mainly in a decaying state or putrescent condition. This is surly not an odour free arrangement.

As to the traffic report –very nice report- but failed to mention that during morning and afternoon peaks delays of 10 to 15 minutes are not unknown. A recent nearly finished car park of 240 cars is there plus the existing Emu Plains Railway Station car park that can hold about 100 cars and both are usually full. There is the Boral Quarry that has a constant stream of trucks/trailer combinations also using the Smith Street / Old Bathurst T intersection. McCarthy high school also generates substantial traffic by private cars and school buses. Plus local traffic plus the inability to access the no fuss site without reversing into the street as another consideration. Bank ups of cars toward roundabout at Russel Street is common during peak hours making entry too and from Smith Street difficult.

Consideration should be given to the emission of possible hazardous gases both from the " oily waste water" and organic waste (Methane, Hydrogen?)

There should be in place a DIRECT method to contact a authority that is in charge of any emissions and that will respond strictly (within a couple of hours if at least 2 persons lodge a complaint)

In my opinion the facility should be fitted out with approved systems that can contain any odour emissions in a safe an efficient manner before even a "test run" should be permitted.

Again I lodge a strong objection to the proposed project #10_0077 and some of the reasons are outlined above.

I do NOT give permission to disclose my contact details to any other 3. party.

Regards

[redacted] Owner and resident at
Railway Street Emu Plains
Copy under 10_0077 No Fuss

Attached Political Disclosure Statement

(2)

Emu Plains, 2750.

1st February, 2011.

Major Development Assessment,
NSW Government Planning,
Mining & Industry Projects.
GPO Box 39,
Sydney, NSW. 2001.

Chris Ritchie.
Ph 9228 6338
Fax 9228 6466

Your Ref: 1009800
No Fuss Oily Liquid Waste Water Treatment Facility (MP 10_0077)
10-12 Smith St. Emu Plains (Lot 330 in DP575290)

Dear Sir,

As the owners of [redacted] Smith St., Emu Plains, near the site of this proposal, we would like to object to any further approvals in relation to the treatment of waste at the "No Fuss" site.

For the period of time that 'No Fuss" has operated out of this site there has been foul odours being emitted from this site. Many businesses and associates have complained to the Council and the EPA, and this foul smell is still present. This seems to us an overdevelopment of a very small site which is unsuitable for this type of operation. Large trucks turning and reversing in this dead end street impact on the surrounding businesses, not to mention their employees using all the on street parking because there is none available onsite during the day. If this proposal is approved, the immediate business area will suffer< because of the nature of the immediate area will become very unpleasant to us and our customers. The potential problems this will cause are unknown at the stage, but it could be very devastating us and our neighbouring business owners. Our customers comment now on the very unpleasant smell.

This proposal makes use of the landscape area for turning circles etc, to gain access to this very small site. Any other developments must provide on site parking for employees and customers, why should this application be exempt from this? Trucks must also move in and out in a forward direction, this is near impossible at present and is not practical on this site even though the design indicates unauthorised use of the cleared landscape area.

On many occasions the site is accessed by trucks and semi-trailers from other waste companies..are they operating under their current DA? If not, who is policing this and who says this application will be any different with double the traffic movements to what is indicated!!

Normally, we thought that you applied for permission to build something (DA) ..got approval then built it, subject to conditions imposed...this seems to be "a back to front" approach to this whole process, by this application. The areas well-being and productivity has not been considered and we feel the best location for such a plant would be near a sewer treatment plant etc where the two business would be beneficial to each other and have no adverse impact on the area.

After reading the odour report there has been no effort by the applicant to manage existing or potential odours. This is evidenced by trucks discharging in open doorways into open pits and tanks, something that you would believe to be unacceptable in this day and age. If this plant continues to operate the bare minium odour control should be filters and extraction rather than "keeping the doors closed when possible", this is just not practical and does nothing to control the odour problems that we experience now.

After viewing the recent flooding in Qld, we are amazed that you can have open pits and tanks in this current proposal, when anyone who knows this area, knows it is likely to flood at some point in time, as it has in the past. The downstream areas will be polluted with this foul waste!

As you can see we have been impacted by this poorly located business and any approval to basically double their output will double the odour, traffic, parking, and environmental risks to this sensitive location. We feel there could be a better outcome for all of the community if this application is refused.

We do not want our personal details provided to the applicant or any third party. We will copy this letter to Penrith Council under the same conditions for their information.

Yours sincerely,

Copy to Penrith City Council, PO Box 60 Penrith 2750 NSW.

(3)

Major Development Assessment
NSW Government Planning
Mining & Industry Projects
GPO Box 39
Sydney NSW 2001

Emu Plains 2750

Chris Ritchie
Manager Industry
Ph 9228 6338
Fax 9228 6466

Ref file :**1009800**

No Fuss Oily Liquid Waste Water Treatment Facility (MP 10_0077)
10-12 Smith St. Emu Plains (Lot 330 in DP575290)

To Whom It May Concern,

As a business owner and occupier in Smith St Emu Plains, the proposed site of this operation, I would like to strongly object to any further approval/s in relation to treatment of waste of any kind on or at this site.

I do not want my details provided to the proponent or any other third party. I consider this to be confidential and very important in regard to this proponent. I will copy this letter to Penrith Council under the same conditions.

Over many months there have been odours emitting from the site under their current operating procedures and licences. Many business owners and employees have complained to the Council and the EPA, and the stench continues. This area is basically all small businesses with a few employees and a few residential houses nearby - there are 2 High Schools, a Railway Station, Village Shops, Hotel, Correctional Institutions and a Caravan Park all within close proximity, which suffer from the "odours" from the current plant. This small industrial area is surrounded by residential dwellings to the east and south east.

This appears to be an overdevelopment of this very small site, considering the number of truck movements and the number of employees indicated, not to mention outside contractors depositing waste in semi- trailers and other trucks.

This occupier currently impacts on the local amenity of the area by way of traffic - parking and this very unpleasant odour. These problems will only increase with approval of a plant which has already been constructed and now seeks **retrospective approval.** I find it hard to believe that this is now considered "State Significant" as a Major Project.

I would presume that an operator of such a plant would be ticking all the right boxes currently, before planning to have any further impact on the area's amenity.

The current operation, I believe, is for sewage/septic waste with 5-6 trucks operating from the front unit. I have no idea of the volumes permitted under the various licences. I can only presume that they are similar, judging by the truck movements.

At present the drivers park their own vehicles on the street as there is no provision for on site parking. The trucks are reversed into the site and parked on the hardstand adjacent to both doorways. Trucks are also parked on the "landscape setback area", which has been cleared and gravelled for this purpose. The trucks park partly in or adjacent to the doorways when discharging waste.

On occasions semi-trailers from other companies deposit waste and cause all sorts of traffic problems for nearby businesses in this dead end street.

Any approval to expand this operation to receive an extra 100,000 litres/day of oily waste water or possibly grease trap waste for processing is going to have a major impact on existing businesses through traffic and parking problems and the " potential odours" and impact on the amenity of the area. It should be refused on these grounds alone. The volume of 100,000 litres/ day is not for the operator solely , but seems to accommodate outside sources, because they state that that only 10,000 litres/ day will be processed by them. One can only assume that the potential impact will be horrendous !

The fact that this "new" plant is already built, indicates that he assumes this is a mere formality by the proponent. This site is too small to accommodate the existing operation, not to mention any proposed expansion or increase in volume of waste and truck movements.

The traffic management plan indicates that the trucks will use the landscape setback area as a turning circle to access the plant. This is near impossible considering the driveway angle and the limited space for turning large ridged trucks - it looks OK on paper but it contravenes Council guidelines. The current operation in the front unit prevents any clear truck movement to the back unit, but there is no mention of what happens if a truck is discharging in the front area and access is required to the back unit - will they park on the street, blocking a lane of traffic as there is no on-street parking available during the day and wait, as there is no other option.

The proposal has no management of odour, other than keeping the door closed. The trucks discharge their wastes adjacent to or in the doorway of the factory, with the door/s open. The new plant will not allow a truck within the plant with the door closed, this means there is no odour management or control on discharge. There is no consideration of odour and the consultants report is questionable considering the plant was not operating at the time of inspection and report. They seem to adopt a "suck it and see" type of approach, which is not acceptable under the circumstances and the likely impacts on the amenity of the area. I have included part of the report on odour because it supports what has been happening in the past and will continue into the future. See Consultant's report selection.

Other environmental impacts that need to be addressed are the "bunding" on the site being able to contain a major spill. I believe that the recommended capacity is for the largest container of volume plus 10%. The fact that semi-trailers discharge in the carpark area now, the bunding should be capable of retaining at least 30,000litres plus 10% otherwise any spill is down the driveway and into the stormwater gutter. This kerb gutter flows directly on to the open Prison farm land open channel (less than 100m) and on to the Nepean River. This would not only have major impacts on the dairy cattle of the Prison Farm production but the whole of Nepean River downstream. Another impact is the possibility of flooding (1/100) and the capability of the plant being able to retain all liquids on site, when the report talks of open pits and holding tanks. This is just not acceptable considering the potential damage, when it can be avoided.

The report does not detail how or where the sludge and waste is stored on site before transport and how it is transported?

If the existing plant continues to operate it should have a proper filtration system installed prior to any expansion to assist with the current odour problem.

Presently, there should be a restriction on the number of trucks permitted to deposit waste at this site. There should be no semi-trailer type trucks. There should be no third party waste deposits (other Companies) as it is impossible to control their movements as is occurring now. There is insufficient parking and turning at present for the 5-6 trucks which work out of the site, without any further projected increases. **This proposal does not address the issue of off street parking for the present employees or any proposed new employees with the projected proposal.**

Many of the consultant reports do not consider the existing use in conjunction with the current proposal, but as a mere isolated proposal. This tends to negate the scale of impact of this proposal on surrounding stakeholders.

This is an overdevelopment of a small site which is too small for this scale of operation, involving large trucks with the likely potential to further adversely impact on the amenity of the area. **If this is allowed to proceed, the immediate area will suffer from a stigma by the general community and the small businesses will suffer a "turn-off factor".**
This odour will further impact on our customers and employees and the area will become unviable because of this proposal.

I am totally opposed to this type of operation in this totally unsuitable location. This proposal will negatively impact my business and my investment in this area.

Yours sincerely,

28th January 2011

Copy to Sent to Mayor Penrith City Council

Emma Barnet - Online Submission from Karl Storr of Director (object)

(4)

From: Karl Storr -
To: Emma Barnet <emma.barnet@planning.nsw.gov.au>
Date: 20/12/2010 8:42 PM
Subject: Online Submission from Karl Storr of Director (object)
CC: <assessments@planning.nsw.gov.au>

Dear Sir/ Madam

I refer to your letter regarding the proposed No Fuss Oily Liquid waste Facility.

The environmental assessment on the planned facility reveals that there will be an odour produced from the plant. There appears to be no concern for the occupants that work and own businesses within the Emu Plains industrial area or the difficulty the odour will make finding and keeping tenants.
We have owned the Units at 9 Smith St for 32 Years. No Fuss liquid waste is a more recent addition to the Emu Plains industrial area. As frequent and pungent as the odour currently is we would not choose to purchase a property in the industrial area.
The current odour produced by No Fuss liquid waste has made working in the units in the Emu Plains industrial area uncomfortable, any increase will further discourage workers, customers, tenants and business owns from coming and remaining within the industrial area.
I strongly request that the facility be rejected and that measures are taken to reduce the current odour that the occupants of the Emu Plains industrial area have to live with.

Regards,

Karl Storr

Name: Karl Storr
Organisation: Director

Address:
18 Bedford St
Emu Plains NSW 2750

IP Address: cpe-143-238-112-205.ins10.cht.bigpond.net.au - 143.238.112.205

Submission for Job: #3955 Oily Waste Water Treatment Facility
https://majorprojects.onhiive.com/index.pl?action=view_job&id=3955

Site: #2242 No Fuss Waste Water Treatment Plant
https://majorprojects.onhiive.com/index.pl?action=view_site&id=2242

Emma Barnet

E: emma.barnet@planning.nsw.gov.au

Submission 5 summary

Objection to No Fuss Oily Liquid Waste Water Treatment Facility:
Reasons:

- It is an overdevelopment of the property.
- The street is currently subjected to odours at all times of the day and night, concerned that intensification of odour will negatively affect business.
- Smith Street is a dead ability for large trucks to turn around.
- The proposed truck turning circle will impact the proposed on site parking.
- The site is low lying and susceptible to floods, concerned over impacts on open vats.

6

12.1.2011

Major Development Assessment
Department of Planning
GPO box 39
SYDNEY
NSW 2001

I am the owner of the premises at 11 Railway Street Emu Plains NSW 2750.

I oppose the submission from No Fuss Oily Liquid Waste Pty Ltd (10-0077).

My reasons are that the company renting my premises has rang me with complaints regarding the foul sewage smell that has been noticed coming from the above company on many occasion.

I feel they will not longer want to rent my premises if this expansion goes ahead & more foul smells are noted, I feel it will then be very difficult to find new tenants if this submission goes ahead & more smell will be evident.

I make no political donations.

Yours sincerely,

Keven William Stevens

NSW GOVERNMENT | Planning

Attachment 3 **Copies submissions received from agencies for 10_0077**

Environment Protect Licence - Protection of the Environment Operations Act 1997

General Terms of Approval

NSW GOVERNMENT | Environment, Climate Change & Water

Notice No: 1123733

Notice No: 1123733

PCU019088

Mr Chris Ritchie
Manager – Industry
Mining and Industry Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Ritchie

No Fuss Liquid Waste Pty Ltd – 10-12 Smith Street Emu Plains
Environmental Assessment – Oily Water Waste Treatment Facility (10_0077)

I refer to the project application and accompanying information provided for the oily water waste treatment facility received by the Department of Environment, Climate Change and Water ("DECCW") on 26 November 2010.

Please note that, although the Environment Protection Authority ("EPA") is now part of the DECCW, certain statutory functions and powers continue to be exercised in the name of the EPA.

DECCW has reviewed the information provided and our conditions of approval for the proposed facility are detailed in attachment A. If the Department of Planning grants consent for the proposed development these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to the DECCW. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the DECCW about the changes before the consent is issued. This will enable the DECCW to determine whether its general terms need to be modified in light of the changes.

No Fuss Liquid Waste Pty Ltd currently holds environment protection licence No.13253 ("the licence") for the scheduled activities of waste storage and processing of septic waste at 10 - 12 Smith Street Emu Plains ("the premises").

If the Department of Planning grants consent, the applicant will need to make a separate application to the EPA to vary their licence to include operation of the oily water waste treatment facility (as a scheduled activity) at the premises. If an application is received, the DECCW intends to initially limit operation of the oily water treatment plant to a 12 month trial period to enable the licensee to demonstrate compliance with environmental requirements.

If you have any questions, or wish to discuss this matter further please contact Peter Watson on (02) 9995 5947.

Yours sincerely

TONY HODGSON
Manager Hazardous Materials, Chemicals and Radiation
Environment Protection and Regulation
Department of Environment, Climate Change and Water

31 January 2011

General Terms of Approval

NSW GOVERNMENT | Environment, Climate Change & Water

Notice No: 1123733

ATTACHMENT A

ADMINISTRATIVE CONDITIONS

A1 Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the project application *No Fuss Liquid Waste Treatment Facility (10_0077)* forwarded by the Department of Planning on 24 November 2010;
- the environmental assessment prepared by *Scientists Engineers Managers & Facilitators SEMF; Revision 5; Project No.3439.00; September 2010* relating to the development.

A2 Structure and Facilities - Unit No. 2 building

A2.1 Any gaps/voids:

- in external walls;
- in the roof; and,
- between wall and roof interface

must be sealed to prevent potential emission of (fugitive) odours.

A2.2 Any air ventilated from the building must first pass to appropriate air pollution control equipment to adequately attenuate odours before discharging to atmosphere.

A2.3 The storage and sludge tanks must be effectively enclosed to prevent odour emissions

Limit conditions

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste received at the premises, except as expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

Condition L5.1 does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
J120	Waste oil/water, hydrocarbons/ water mixtures or emulsions		Storage and processing (non-thermal treatment)	Highly odorous J120 waste is prohibited

General Terms of Approval

Notice No: 1123733

Pollution studies and reduction programs

U1 Unit 2 - Oily Water Treatment Plant - Probationary period of operation

U1.1 The Oily Water (J120) Treatment Plant is permitted to receive and treat J120 coded waste **until 31 March 2012** ("the trial period").

Note: To operate the J120 Treatment Plant after 31 March 2012, the licensee must be able to demonstrate to the satisfaction of the DECCW that during the trial period the J120 Treatment Plant was operated & maintained in a proper, efficient and lawful manner as required by licence condition U1.2.

U1.2 During the trial period, the licensee must operate and maintain the J120 Treatment Plant in a proper, efficient and lawful manner by:

U1.2.1 appropriately screening incoming waste by undertaking representative sampling and analysing in accordance with approved test methods. Analysis results must be obtained before undertaking treatment;

U1.2.2 Waste oil/water, hydrocarbons/ water mixtures or emulsions (waste code J120) must be screened for chlorinated compounds;

U1.2.3 developing and implementing waste acceptance / rejection protocols for waste received at the treatment plant;

U1.2.4 operating all equipment in the treatment plant in accordance with design operating and monitoring parameters;

U1.2.5 undertaking required plant servicing and maintenance in accordance with operating requirements and manufacturer's specifications;

U1.2.6 undertaking analysis and classification of waste / material generated by the treatment plant to ensure appropriate disposal and or reuse;

U1.2.7 using the EPA's On-line Waste Tracking or another approved system to record all trackable waste movements into and out of the treatment plant;

U1.2.8 preventing offensive odours being detected beyond the boundary of the premises through appropriate waste screening and proper operation of the treatment plant;

U1.2.9 keeping the roller shutter door closed except during waste loading and unloading activities and to facilitate the movement of materials to and from the building;

U1.2.10 obtaining and complying with the requirements of a Trade Waste Agreement for discharge to sewer issued by the Sydney Water Corporation.

U1.3 The actions, matters, protocols, procedures, documents and or results required by U1.2 conditions, except for conditions U1.2.7 and U1.2.8, must be appropriately recorded in a legible form and kept on the premises for 3 years.

U1.4 A written report detailing compliance with conditions U1.2 and U1.3 must be forwarded to the Manager Hazardous Materials, Chemicals and Radiation **by Friday 15 April 2012.**

General Terms of Approval

Notice No: 1123733

U2 Odour Impact Assessment

During the period 1 December 2011 to 28 February 2012 an odour survey and impact assessment must be conducted (in accordance with DECCW's guidelines) on all operations at the premises by a suitably qualified consultant. A written report must detail the results and findings from the survey, and if required recommend attenuation measures to ensure that offensive odours are not detectable beyond the boundary of the premises. The report must be forwarded to the Manager Hazardous Materials, Chemicals and Radiation **by Friday 15 April 2012**.

PENRITH
CITY COUNCIL
Serving Our Community

Our Reference: IMS 2786173
Your reference: 1009800 and 10_0077
Contact: Allison Cattell
Phone: 02 4732 7909

4 February 2011

Major Development Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Chris Ritchie,

Exhibition of Environmental Assessment
Proposed Oily Liquid Waste Treatment Facility
Lot 330 in DP 575290, 10-12 Smith Street, Emu Plains NSW 2750

I refer to your Environmental Assessment (EA) dated September 2010 (Project No.3439.001) received by Council 26 November 2010.

Council's Development Services Department offers the following comments for your consideration of the proposal:

History

The applicant/operator ("No Fuss") of this unit previously occupied Unit 71, 37-47 Borec Road Penrith under the time-limited Development Consent No.07/0862. The unit was vacated before the consent expired and Council received complaint. This unit also caught on fire whilst in the tenancy of 'No Fuss'. The unit was then vacated to Unit 1, 10-12 Smith Street, Emu Plains and a time-limited consent (No.08/1247) was issued for "use of the premises - storage and disposal of collected effluent (holding tank capacity up to 80,000 Litres)". This consent is due to lapse this month.

There is a history of odour complaints in the area, particularly in hot weather. Submissions and odour diaries kept by complainants describe fowl overpowering sewage smells.

Proposed and continued use of the site

The scope of the approval being sought under this application is limited to Unit 2. The applicant/operator has been advised in writing of this condition and has been advised to include the use of Unit 1 into the scope of the EA. It appears this advice was not heeded. Consequently, the assessment of the current application for the use of Unit 2 will need to assume Unit 1 is not being used by the operator; ensuring all services and required provisions are capable of being achieved in Unit 2.

Council has serious reservations about granting any continued use of the site, especially in perpetuity. Compliance with the current consent is under investigation, particularly whether an Occupation Certificate was sought and issued for the site. This raises questions as to whether work and certification required by the consent was undertaken.

The application is not supported by Council for the above referred reasons.

Local Planning Instruments

Local Environmental Plan (LEP)

The Industrial Land LEP 1996 was superseded 22 September 2010. The planning framework outlined in the EA does not satisfactorily address Penrith LEP 2010 which now applies to the site.

The site is zoned IN1 (General Industrial). The proposed use is likely to be defined as a 'waste management facility' which is **not a permissible land use in the zone**. A 'waste management facility' is separately defined as:

> *"A facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:*
>
> *a) An extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and*
> *b) Eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal."*
>
> NB: The Infrastructure State Environmental Planning Policy (ISEPP) permits "waste or resource management facility" which is a group term for "waste or resource transfer station", "resource recovery facility" and "waste disposal facility". It does NOT permit "waste management facility".

Except as otherwise permitted and determined by the Minister for Planning under Part 3A of the Environmental Planning Assessment Act 1979 (as amended), a waste management facility is prohibited in the zone. The application is not supported by Council for this reason.

Should the application proceed, consideration is to be given to the aims and objectives for the plan and the zone as well as provisions pertaining to design and land capability. This includes relevant flood controls referred later in this submission.

Draft Local Environmental Plan

There is no draft LEP applying to the site.

Development Control Plans

Penrith Development Control Plan 2010 applies to the site. Should the application proceed, Part A (Introduction), Part B (General Principles), Part C (Site Planning and Design Principals) including C3 (Water Management), C5 (Waste Management), C10 (Transport, Access and Parking), C12 (Noise and Vibration), D4 (Industrial development) are to be considered in the proposal. Your attention is also drawn to Part C, Section 3.5 (Flood Liable Land) in relation to flooding (refer to heading titled "Flooding and stormwater" later in this report).

State Planning Legislation & Instruments

Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Protection of the Environment Operations (PoEO) Act 1997, Roads Act 1993, State Environmental Planning Policy (SEPP) No.33 (Hazardous and Offensive Development) and SEPP (Infrastructure) 2008 apply to the site and may apply to the proposal.

Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River applies to the site and is a deemed SEPP. Environmental considerations throughout the instrument will apply. There are triggers for further assessment within this instrument for waste-related activities.

Other planning issues

Air/Odour

Odour is the main environmental concern in relation to the proposed development. The application is supported by an odour assessment prepared by The Odour Unit dated September 2010. This report states:

> *'Before discussing the findings of my assessment I would like to highlight the requirement of the DG that a quantitative assessment of the potential odour impacts of the project be made. Given that the plant is unable to commence operations until the necessary approvals are obtained it was not possible to inspect the plant in operation or determine, either qualitatively or quantitatively, the extent to which odour was being generated within the premises. As a result I have made this assessment based on my knowledge and experience in wastewater treatment (25 years experience) and as an odour consultant (since 1991).'*

The report goes on to outline the most likely cause of odour stating:

> *'The Holding Tank, and the pit beneath it, is considered to be the major odour source. The proximity of this source to the roller door is potentially problematic, and could result in short term odour emissions if the door remains open during waste unloading. The design of the Holding tank and pit does not lend itself to full enclosure and capture of a foul air stream for*

possible treatment. Similarly, the open design of the DAF renders the enclosure and air capture difficult.'

The report has suggested several odour mitigation measures, however it is very unclear which (if any) of these mitigation measures are going to be employed as part of the proposed development. The report seems to suggest that they would consider these measures if odour becomes an issue once operational. This approach is unsatisfactory as it is environmentally damaging and very difficult to manage from a compliance perspective.

Although the proposed plant is not yet operational, an assessment of a similar plant which is currently operating should be provided for assessment of odour and its mitigation prior to any approval be granted to:

- understand the potential impacts the proposed development may have on the surrounding area by way of odour;
- recommend with certainty specific methods of odour mitigation;
- provide the consent authority satisfactory information for the purposes of odour assessment to determine the matter; and
- assist the Department of Planning with all future compliance action that may be required by having documented acceptable outcomes.

The report outlines that the existing (no fuss) operations at the site does not cause any odour issue. There is a history of complaints about a sewage odour in the area, with the current "no fuss" operations being identified in submissions and odour diaries. Whilst it was difficult to confirm the source of the odour, it would be equally difficult to confirm it was not emanating from the site.

The management of the proposed development is being relied upon to minimise the likelihood of any environmental impacts. You are advised that environmental compliance has not been demonstrated by the current operators of the site.

Noise

The application is accompanied by a noise assessment prepared by BGMA Pty Ltd dated September 2010. The proposed activity is based in an existing industrial area and the operators are to ensure the use accords with the relevant noise criteria established in the aforementioned noise report and the provisions of the Industrial Noise Policy.

You are advised that there are remnant residential uses within the industrial zone in the vicinity of the site. Consideration is to be given to the hours of operation, particularly outside normal business hours (evening and weekends) and the noise generated from delivery vehicles and other sources.

d. The proposal is environmentally responsible if flood waters damage the treatment plant.
e. Post development stormwater runoff from the site shall not exceed pre-development runoff.

The development must be assessed against the State Government Floodplain Development Manual and the objectives of Council's Development Control Plan. Insufficient information has been provided to assess the proposal. Flood, site and floor levels to Australian Height Datum and details of the plant and storage setup would be required to fully assess the proposal. Should further detail be required, including the 1% AEP flood level, please contact Council's Development Engineering Coordinator on 02 4732 7772.

The application as made is not supported. It does not represent the full use of the site (Unit 1 and 2) and the application does not satisfactorily address the relevant planning controls that apply to the site and the proposed use. Of particular concern is site suitability including odour, flood and noise mitigation.

Should you have any further queries, please contact me on 02 4732 7909.

Yours faithfully,

Allison Cattell
Senior Environmental Planner

Should the application be supported, it is recommended that appropriate conditions are placed on any consent to ensure that the activity does not adversely impact the adjoining properties.

Licensing

A license under the POEO Act 1997 is to be obtained from the Department of Environment, Climate Change and Water.

Environmental Management

Any impact from the proposed development on the environment will be dependant on how well it is managed. If the Department proceeds to approve this development, it is recommended that appropriate conditions are placed on the consent to ensure the appropriate daily and long term management of the site. This can be through an approved environmental management plan (EMP). Prior to approving any EMP's it is requested that it be forwarded to Council for review and comment.

Car parking, traffic and road work

A Traffic Report is recommended to address potential impacts including sufficient car parking provision on site. In particular, truck parking and manoeuvring is to be satisfactorily addressed and service vehicles must be able to enter and exit the site in a forward direction with all manoeuvring occurring on-site
Roads Act approvals will be required for any works within the Smith Street road reserve (vehicular crossings, stormwater and services).

Hours of operation

There are residential uses in the vicinity of the site, despite being located within an industrial zone. Whilst the site may operate 24 hours a day, operations are to be detailed such that noise from truck visits and cooling units are minimised, particularly during night time periods as outlined in the Industrial Noise Policy (INP).

Community concern

There is a history of community concern in this area regarding odours and extensive community consultation should occur before progressing the proposal as unreasonable impacts on the existing community will not be accepted.

Flooding and stormwater

The site is classified as a low flood island. This is a major issue that has not been addressed in the Environmental Assessment Report. The application must demonstrate that:

a. The proposed use is appropriate in a low flood island.
b. Adequate provision can be made for the evacuation of employees and that any such plan is compatible with the requirements of the State Emergency Services.
c. The proposal is socially responsible with the potential for loss of property and employment if business is impacted during flood events.

Sydney WATER

07 December 2010

Chris Ritchie
Manager
Mining and Industry Projects
Department of Planning
22-33 Bridge Street,
Sydney NSW 2000

Re: MP 10_0077 No Fuss Oily Waste Treatment Facility, Emu Plains

Attention: Emma Barnet

Dear Mr Ritchie,

Thank you for your letter of 24 November 2010 about the proposed liquid waste treatment facility at 10-12 Smith Street, Emu Plains. Sydney Water has reviewed the proposal and provides the following comments for the Department's consideration.

Water
The existing water system has capacity to serve the proposed development. The developer will need to design and construct an extension to the available 100 mm water main on the eastern side of Smith Street.

The extensions will need to be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of Code compliance should be attached with the extension design.

Wastewater
The existing wastewater system has capacity to serve the proposed development. The developer will need to design and construct an extension to the available 225 mm wastewater main in Smith Street.

The extension will need to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002). Evidence of Code compliance should be attached with the extension design.

Trade Waste
All customers discharging trade waste into Sydney Water's wastewater system must have written permission from Sydney Water. The trade waste requirements help Sydney Water discharge or reuse wastewater while protecting the environment and meeting regulatory requirements.

Sydney Water will either issue the customer a trade waste permit or enter into a trade waste agreement. A trade waste permit must be obtained before any discharge can be made to the

sewer system. The permit is also needed for site remediation purposes. Applications for a trade waste permit can be made to Sydney Water at the Section 73 Certificate application stage. For further information refer to the Sydney Water website.

Sydney Water Servicing
Sydney Water will further assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.

The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized & configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

Sydney Water requests the Department to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

Sydney Water e-planning
Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

- Section 62 consultations under the Environmental Planning and Assessment Act 1979
- consultations where Sydney Water is an adjoining land owner to a proposed development
- Major Project applications under Part 3A of the Environmental Planning and Assessment Act 1979
- consultations and referrals required under any Environmental Planning Instrument
- draft LEPs, SEPPs or other planning controls, such as DCPs
- any proposed development or rezoning within a 400m radius of a Sydney Water Wastewater Treatment Plant
- any proposed planning reforms or other general planning or development inquiries

If you require any further information, please contact Sonia Jacenko of the Urban Growth Branch on 02 8849 4004 or e-mail sonia.jacenko@sydneywater.com.au

Yours sincerely,

Adrian Miller
Manager of Urban Growth Strategy and Support

Appendix B:
Concept Design- Odour

MEMORANDUM

TO:	No Fuss Liquid Waste	**PAGE:**	1 of 4
ATTENTION:	Alyce Wing	**DATE:**	4 October 2011
PROJECT:	Oily Waste Treatment	**PROJECT #:**	3439.001
FROM:	Greg Tomamichel	**REFERENCE:**	
FAX OR EMAIL #:	alyce.no.fuss@bigpond.com		
TRANSMITTED BY:	Mail ☐, Hand ☐, Fax ☐, Email ☒		
SUBJECT:	Odour control and treatment – recommendations arising from site inspection		

Dear Elise,

Please find below recommendations for odour control and treatment associated with the proposed oily water treatment process to be commissioned at the No Fuss Liquid Waste site, 1/10-12 Smith Street, Emu Plains, NSW.

Observations from site inspection

Anthony (Tony) Truman of KMH Environmental and Greg Tomamichel of SEMF attended site 19th September 2011 to observe the existing conditions at the site, including the installed condition of the equipment proposed for oily water treatment.

The existing septic waste treatment system was also observed. It was noted that an odour neutralising spray was used for the septic waste treatment area, which generally appeared to be operating effectively to control and manage odours associated with this system.

The proposed processing system for oily water as observed on site is shown in Figure 1. It is understood that the processing system will handle up to 100 kL per day, but is likely to commence operating at a lower rate.

With specific regard to odour management, below are some specific observations for various parts of the process:

- **Delivery Pit**
  - As oily water is transferred over the mesh screen and falls into the delivery pit, this will create one of the most significant odour generation locations.
  - This part of the process is currently open to the surrounding atmosphere.
- **Holding Tank**
  - This tank is understood to have at least partial covering on its top, however this was not able to be observed during our site inspection.
  - This tank will potentially be a source of odour as untreated oily water is transferred from the Delivery Pit via transfer pumps.
- **Oil Water Separator**
  - This represents the first stage of treatment, and will generate some odour as oils collect on the top of the treatment vessel.

- The unit is generally very well sealed, and therefore lends itself readily to odour collection.

- **Sludge Tank**
  - This is an Intermediate Bulk Container (IBC) of approximately 1m^3 which collects sludge via gravity drain from the Oil Water Separator.
  - This unit is readily sealed to capture any odours generated that will emanate from the sludge.
- **Storage Tank and pH Control**
  - This is an Intermediate Bulk Container (IBC) of approximately 1m^3 which collects de-oiled water via gravity drain from the Oil Water Separator.
  - This unit is readily sealed to capture any odours generated that may generate from the partially treated process stream.
- **DAF Treatment System**
  - This is the largest unit and provides the final processing stage.
  - It has a relatively large open area, however it is seen that odours will generally emanate from only two areas;
    - Inlet chamber
    - Scum collection hopper
  - These locations are readily managed with suitable hoods to collect odorous air.
- **Odour Treatment System**
  - A simple system for collection of air within the building space and treatment prior to discharge to atmosphere was observed. The basic arrangement is shown in Figure 2.
  - Whilst this system will not work effectively in its current configuration, it is seen that modification of this system, along with selective extraction of odorous air, the treatment process will provide effective odour management.

Recommendations

The input of Tony Truman, KMH Environmental, in formulating these recommendations and providing expert process design is gratefully acknowledged.

It is recommended that a system be put in place to achieve the following aims:

- Seal odorous parts of the oily water treatment process wherever practicable
- Capture odorous air from sealed process units such that a minimal total airflow is captured and treated
- Treat odorous air in an odour treatment system (which will be a modification of the existing system observed on site).
- Discharge any fugitive emissions that exist within the building space with high speed fans that push air from the building at high velocity and achieve a good rate of dispersion.

A schematic of the recommended odour capture and treatment system is shown in Figure 3.

The following detailed recommendations are provided for the various elements of the system:

- **Delivery Pit**
  - The top of the pit should be sealed as far as practicable to prevent fugitive odours. This could be readily completed using rubber mats or similar, to allow ongoing access to the pit for maintenance and operation.

- The mesh screen should be installed within an air extraction hood, which may require some reconfiguration of the existing screen. The hood should be fitted with a manifold with 8 holes each 50mm diameter. A sketch of the arrangement is shown in Figure 4.
- Provide a 150mm duct connection and extract approximately 340 m^3/hour of odorous air to the odour treatment system.

- **Holding Tank**
  - The top of the Holding Tank should be sealed as far as practicable.
  - An air inlet measuring 150mm x 150mm should be provided at the opposite side of the tank to the duct connection.
  - Provide a 100mm duct connection and extract approximately 160 m^3/hour of odorous air to the odour treatment system.
- **Oil Water Separator**
  - The existing lid and seals should be maintained in good condition to provide effective sealing of the unit.
  - An air inlet measuring approximately 50mm x 50mm should be provided at the opposite side of the tank to the duct connection.
  - Provide a 50mm duct connection and extract approximately 20 m^3/hour of odorous air to the odour treatment system.
- **Sludge Tank**
  - Provide a seal around the existing pipe entry into the Sludge Tank.
  - Provide an air inlet measuring approximately 65mm x 65mm.
  - Provide a 50mm duct connection and extract approximately 30 m^3/hour of odorous air to the odour treatment system.
- **Storage Tank and pH Control**
  - Provide a seal around the existing pipe entry into the Sludge Tank.
  - Provide an air inlet measuring approximately 65mm x 65mm.
  - Provide a 50mm duct connection and extract approximately 30 m^3/hour of odorous air to the odour treatment system.
- **DAF Treatment System**
  - Construct a hood over the scum collection chamber, similar to shown in Figure 4. The hood should be fitted with a manifold with 8 holes each 50mm diameter.
  - Provide a 150mm duct connection to the hood over the scum collection chamber and extract approximately 290 m^3/hour of odorous air to the odour treatment system.
  - Install a steel plate or similar over the inlet chamber, including an opening of approximately 65mm x 65mm at the opposite side of the duct connection.
  - Provide a 50mm duct connection to the plate over the inlet chamber and extract approximately 30 m^3/hour of odorous air to the odour treatment system.
- **Odour Treatment System**
  - Modify the existing odour treatment system to that shown in Figure 5
    - Create two granular activated carbon beds using 20 litres pillows (6 off pillows per bed)
    - Arrange the ducting to split the incoming airstream to flow evenly between the two beds
    - Arrange ducting to capture the discharge from each bed to the fan inlet
    - Provide a stack on the fan discharge to direct the discharge air upwards away from the roof line. Provide an outer stack to direct rain away from the fan and carbon beds.
  - Modify or replace the existing fan to provide flowrate of approximately 680 m^3/h. Estimated fan differential pressure is 1200kPa, subject to variations in pressure

loss in the carbon beds and through various items of process equipment. This fan pressure is seen as adequate for the proposed system.

We trust these recommendations assist No Fuss Liquid Waste to effectively capture and treat odours generated as part of the proposed oily water treatment process. Please contact the undersigned with any queries or should any further information be required.

Yours faithfully,

Greg Tomamichel
Senior Mechanical Engineer CPEng

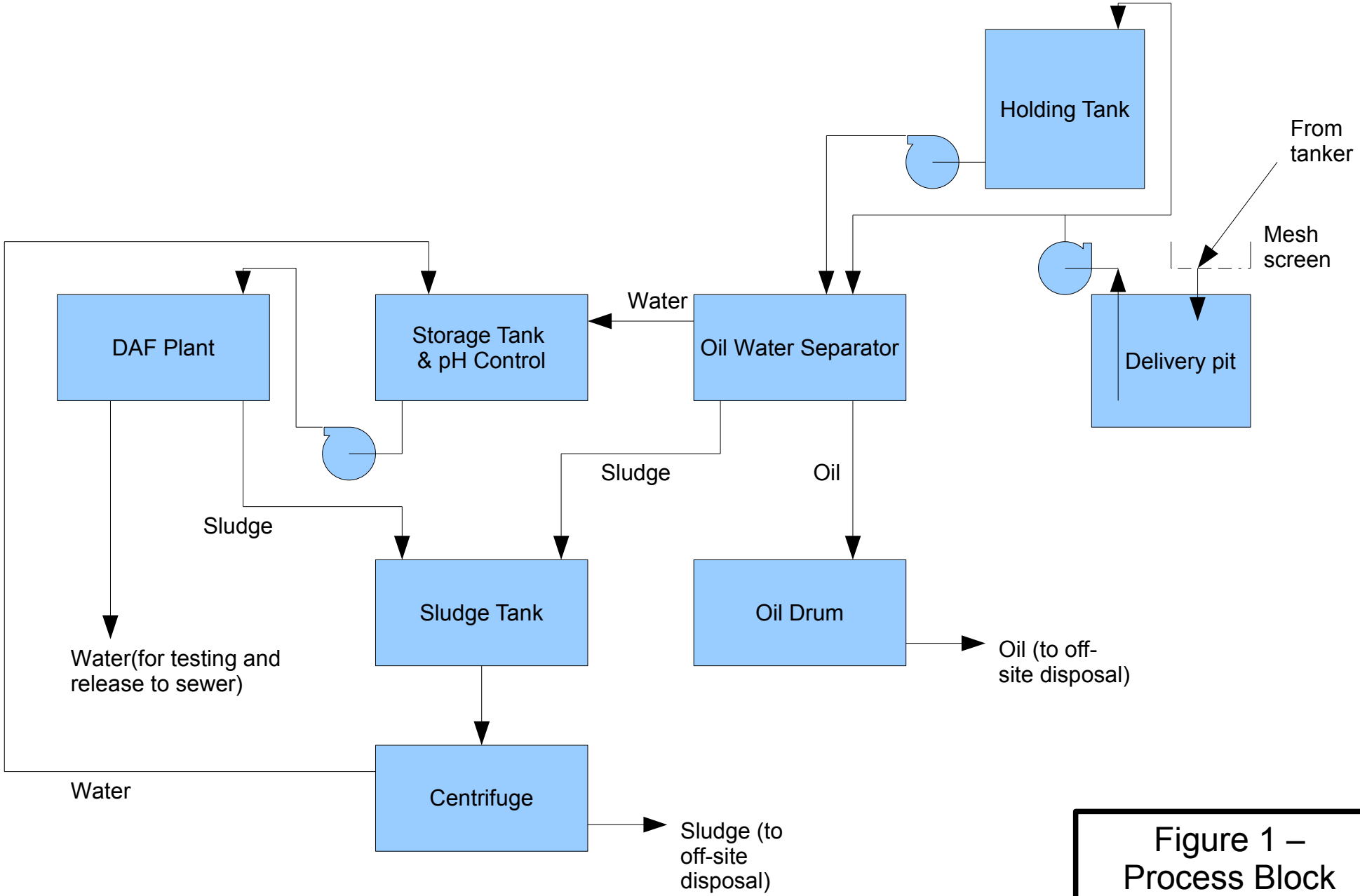


Figure 1 – Process Block Diagram

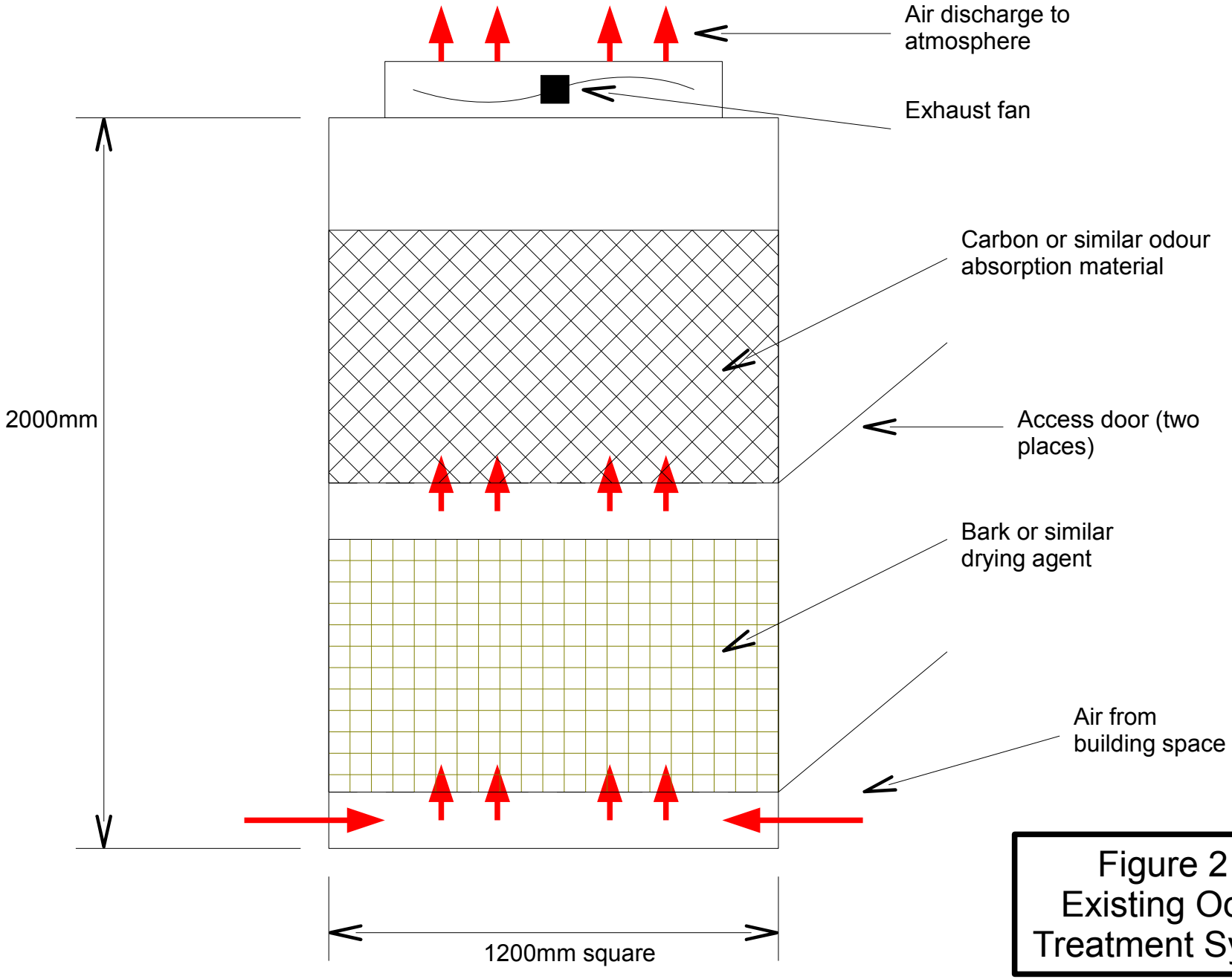


Figure 2 – Existing Odour Treatment System

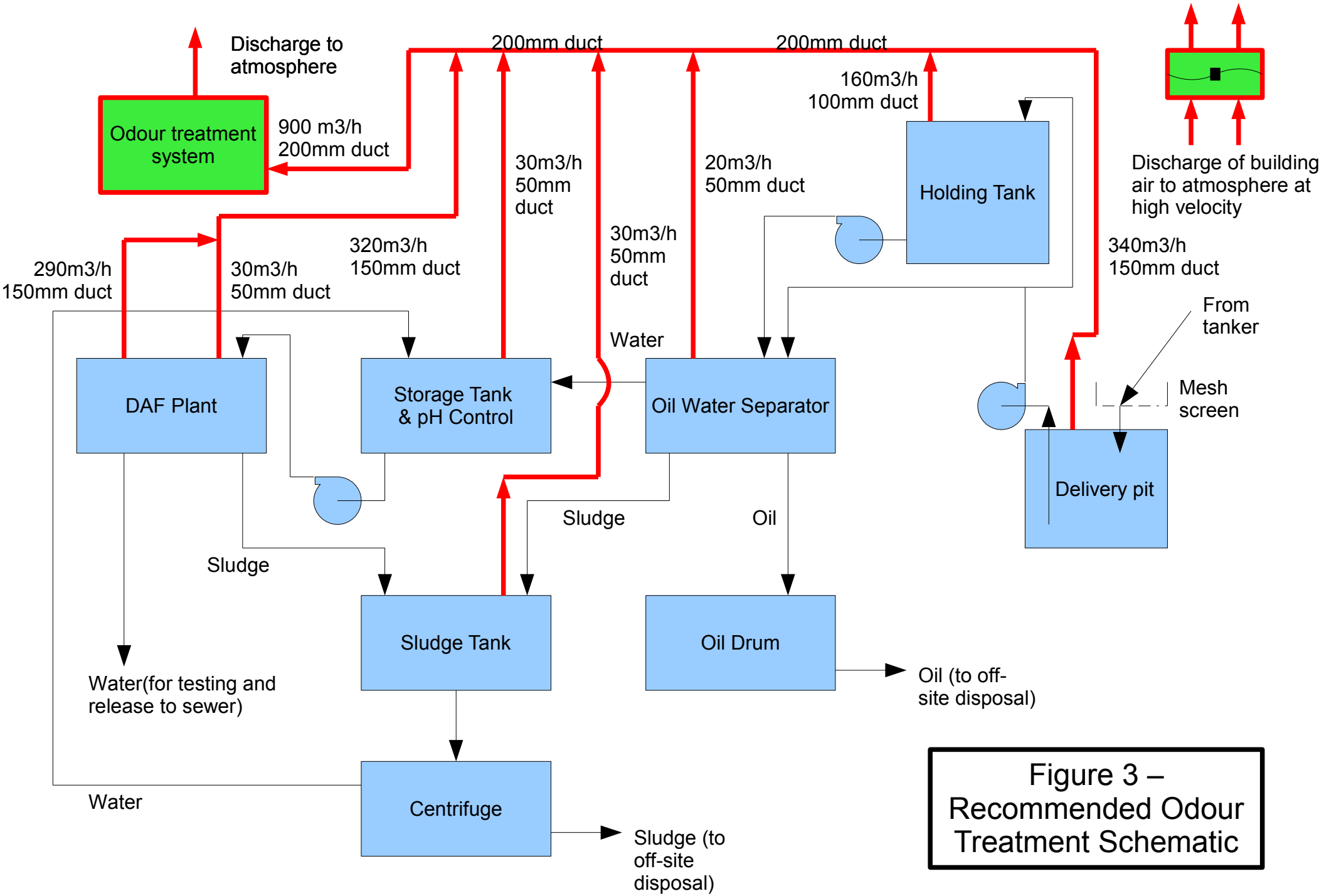


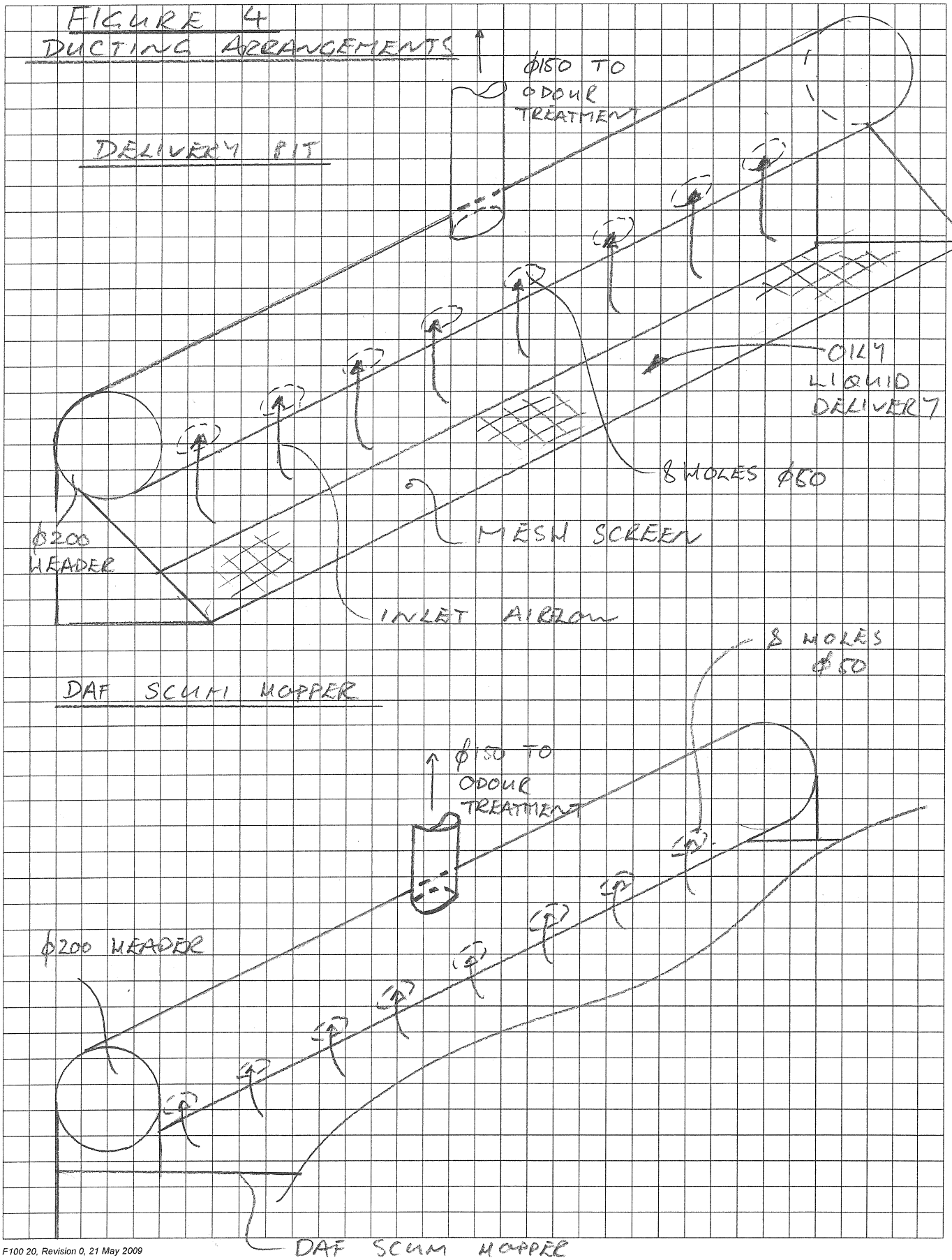
Figure 3 – Recommended Odour Treatment Schematic

SCIENTISTS
ENGINEERS
MANAGERS &
FACILITATORS

Work Sheet

Sheet 1 of 2
Project No. 3439.001
Task No.
Prep By GJT Date 8/10/11
Ckd By Date

Re NO FUSS LIQUID WASTE
Task/Verification DUCT AND HOOD ARRANGEMENTS



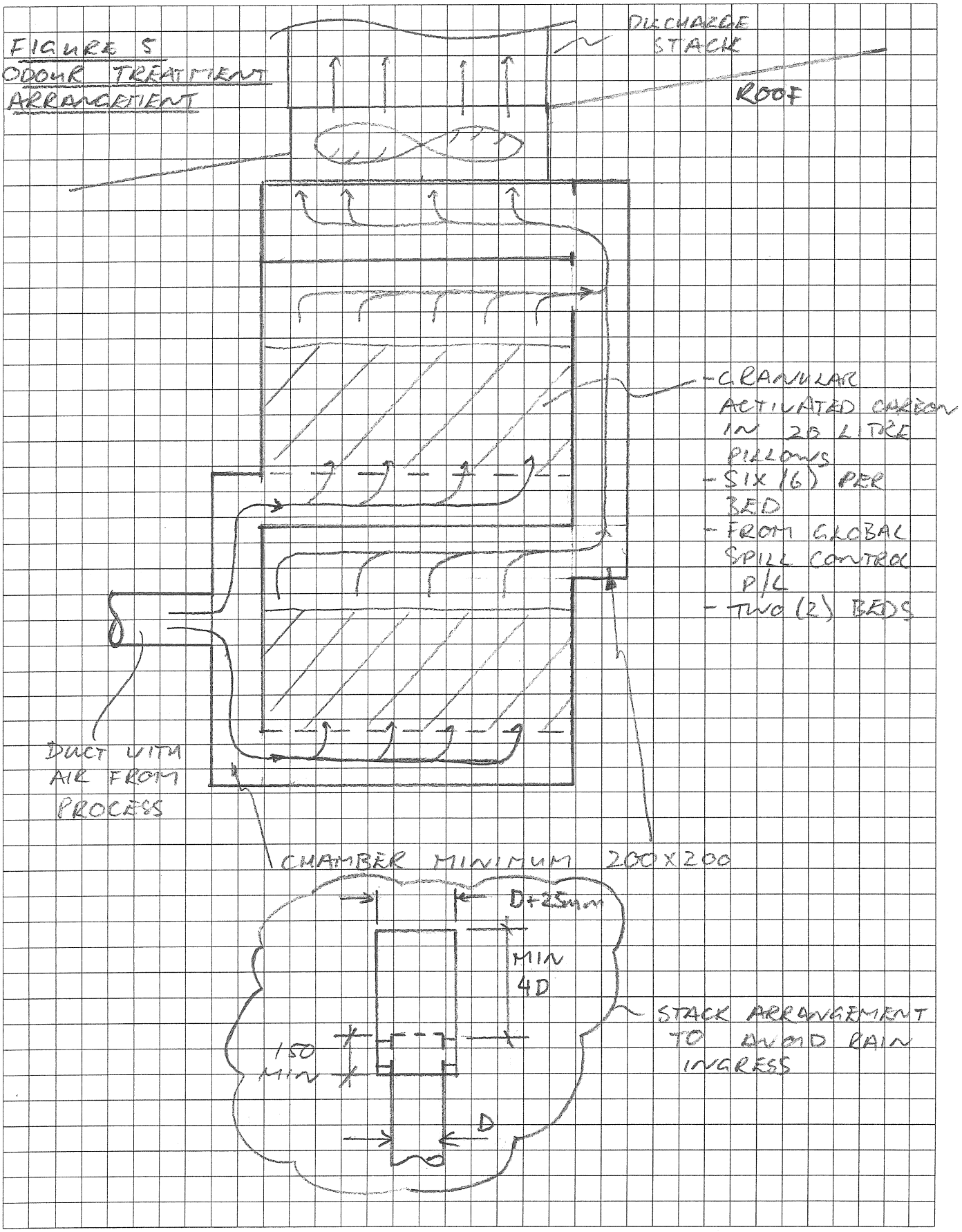
SCIENTISTS
ENGINEERS
MANAGERS &
FACILITATORS

Work Sheet

Sheet 2 of 2
Project No. 3939.001
Task No.
Prep By GJT Date 8/10/11
Ckd By Date

Re
Task/Verification NO FUSS LIQUID WASTE ODOUR TREATMENT ARRANGEMENT

FIGURE 5
ODOUR TREATMENT ARRANGEMENT



GREG TOMAMICHEL

Senior Mechanical Engineer

QUALIFICATIONS

- Bachelor of Engineering (Mechanical) (Honours)
- Bachelor of Science (Physics)
- Member of Institute of Engineers Australia (MIEAust)
- Certified Practising Engineer (CPEng)

SUMMARY

Greg is a senior Mechanical Engineer with 14 years experience across of range of industries. Greg has particular experience in industrial project management and mechanical design, including management of complex multi-disciplinary projects.

AREAS OF EXPERTISE

- Multi-Discipline Industrial Project Engineering
- Project Management
- Industrial Project Management
- Project Scoping and Cost Estimation
- Maintenance Management and Asset Management Planning
- Piping System Design
- Site Construction Management
- Bulk Materials Handling System Design
- Safety Assessment and Planning
- Industrial Process System Design

PROJECT EXPERIENCE

2011	CONFIDENTIAL PROJECT Preliminary design (including process and mechanical), cost estimating, scheduling and associated reporting for brownfield development in food / agriculture sector in excess of $40M.
2011	FORTESCUE METALS GROUP – SOLOMON PROJECT Mechanical equipment specifications for crushing plant and associated conveying system.
2010-11	IMP ENVIRONMENTAL Project development including design, cost estimating, scheduling and tendering of an organic waste treatment and fertiliser production facility
2009	RIVERLAND OILSEEDS ODOUR CONTROL UPGRADE Design and project management of air handling system and biofilter to extract odours from plant operations and treat prior to discharge to atmosphere.
2008	LAFARGE MATRAVILLE DRY END UPGRADE Upgrade of dry end plasterboard handling conveyor system, including mechanical, electrical and control system design and comprehensive project management.
2008-2009	PACIFIC TERMINALS POTASSIUM HYDROXIDE SYSTEM Design and project management for storage and despatch loading of potassium hydroxide to meet relevant dangerous goods requirements

PROJECT EXPERIENCE

2006-2008 PACIFIC TERMINALS AREA C DEVELOPMENT
Installation of 16 tanks for bulk liquid storage facility, including full engineering design, project management and site construction management.

2006 WILPINJONG SLEWING COAL STACKER
Mechanical design of slewing coal stacker for Theiss Sedgman Joint Venture, NSW.

2006-2009 KING ISLAND SCHEELITE MINE DEVELOPMENT
Preliminary design, cost estimation, scheduling and other project development assistance for mine redevelopment project.

2003 CONFIDENTIAL CLIENT / PROJECT
Resident Mechanical Engineer for greenfield construction project including contract management, procurement and technical supervision of piping, mechanical installation and HVAC contracts in excess of $20M over thirteen months.

2003 CONFIDENTIAL CLIENT / PROJECT
Project manager on behalf of client for $3.5M robot palletising and finished product conveying system.

2004 CONFIDENTIAL CLIENT / PROJECT
Project development and design for $30M confidential manufacturing plant extension, including detailed cost estimation across all disciplines, mechanical engineering design and management of other design disciplines.

EMPLOYMENT HISTORY

SEMF PTY LTD
Jun 2005 – present
Senior Mechanical Engineer / Project Manager
- Mechanical design and multi-disciplinary project management

CONNELL WAGNER
Apr 2002 – Jun 2005
Project Engineer/Mechanical Engineer
- Mechanical design and multi-disciplinary project management
- Site construction management and technical support

BLUE CIRCLE SOUTHERN CEMENT - MINERALS
Jul 2001 – Dec 2001
Mechanical Engineer
- Mechanical design and multi-disciplinary project management
- Management of capital budget and expenditure

JOHNSTONE McGEE & GANDY PTY LTD
Jan 2000 – Jul 2001
Mechanical Engineer

PASMINCO ROSEBERY MINE
Jan 1997 – Nov 1999
Mechanical Engineer

Curriculum Vitae

Name:	**Tony Truman**
Qualifications:	**Associate Diploma of Chemical Engineering (1959), Royal Melbourne Institute of Technology.** **Member -Institution of Engineers Australia** **Fellow -Australian Institute of Energy** **Member -American Institute of Chemical Engineers** **Member -Australian Water and Wastewater Association**
Position:	**Principal Engineer**
Summary of Experience:	Tony Truman is one of Australia's most experienced environmental engineers with over four decades of expertise in all levels of emission control, from monitoring and assessment through to design and supply of treatment equipment. Tony has extensive experience in the field of air quality and has undertaken in excess of 70 air quality projects for the chemical/process, manufacturing, petrochemical, metals and waste industry throughout Australia and the Asia Pacific. Tony also has extensive water and waste water experience pioneering treatment technologies and developing applications for industrial and municipal water throughout Asia and Australia for Thames Water. Tony has also delivered a range of solutions for the remediation of chemical, petrochemical and mine sites as well as providing an integral role in the design of leading emission treatment equipment. Tony has also been a senior lecturer at RMIT in Environmental process engineering (chemical engineers), Chemical engineering design, fate and transport of pollutants and Environmental law.
Selected Projects & Experience:	WASTE AND ENVIRONMENTAL MANAGEMENT

- Environmental Management Systems (ISO 14000) -preparation of Environmental Management Plans and auditing -audits for: Brisbane Water, Gold Coast Water, Hazelwood Power and ACTEW, as technical assessor.
- Solid waste disposal and thermal destruction, shredding, compaction and sterilization (thermal) options -Warren Engineering, for various hospitals and central incineration facilities.

- Hospital wastes collection, segregation, handling, manifesting, tracking, treatment, disposal and destruction -for a waste management company.
- A study to select technology for hospital waste management -for the Southern Sydney Area Health Service.
- A study to determine options for public hospital waste incinerators. Options including -shutdowns, upgrades, down-ratings, re-developments, for about 70 hospital sited incinerators, for the NSW Health Department.
- Hospital waste central incineration facility, for Ace Energy, Brisbane - process consulting.
- Hospital waste collection and transfer station, air emissions and odor control, for Ace Energy, Sydney -process engineering.
- Industrial wastes recovery, recycle, reuse, disposal, destruction and immobilisation -various processes for a number of clients.
- Site remediation and contaminated soils detoxification and safe disposal - for a number of confidential clients.
- Water and wastewater treatment, industrial and municipal -various studies and design briefs.
- Gaseous emissions control, scrubbing, deodorising, incineration -various clients and projects.
- Waste alkali values recovery from liquid/slurry wastes, by drying and calcining, for the alumina and pulp and paper industries -for three clients - via Warren Engineering.
- Quarantine and municipal wastes destructor/incinerator revamp -Port of Melbourne Authority.
- Soil detoxification, thermal treatment equipment and technology development – by fired kiln for Warren Engineering for Australian Defence Industries. Also, by hot flue gas purge, for Applied Group for Thiess Environmental.
- Rubber (tyre) reprocessing, by various means, including pyrolysis for liquid fuel and energy recovery, de-vulcanizing, kiln firing and other solid fuel applications -various confidential client studies.
- A study of cement kiln firing with industrial waste, including rubber tyre waste, with Scott & Furphy, for Australian Cement.
- Soil detoxification by physico-chemical means -confidential client study.
- A project for recovery of oil from heavily contaminated sites.
- Pulp and paper mill and timber mill wood waste, bark and sludge management for boiler fuel, for Davy McKee, for ANM -Boyer, Tasmania.
- Sludge/slimes dewatering by electrochemical means, for site remediation - Davy McKee, for a confidential client.
- Metals' recovery, swarf drying - for Warren Engineering, for Ross Metal Ind.
- Liquid wastes destruction, revamp study for existing fluid bed incinerator – with RMIT Technisearch, for Worth Environmental.
- Gaseous emissions control, solvent/propellent recovery –with RMIT Technisearch for a confidential client.
- Odour control -site surveys, sampling and assessment studies of a major custom rendering plant, to evaluate odour contributions from point sources and fugitive emissions. Studies and assessment reports throughout an Environmental Improvement Process.
- Odour control - design of ventilation and emission containment, collection and treatment systems for a rendering plant.

- Odour control -EPA representations and expert witness advice, with respect to managing odour complaints and the EPA-V Environmental Improvement Process.
- Solid and liquid industrial wastes, including contaminated soil destruction, detoxification and safe disposal, materials testing, combustion trials, preliminary design and feasibility study, for a confidential client.
- Contaminated site assessment, review of site survey data and audit report, for Camide, Sydney.
- Refinery sites -review of remediation options and site contamination surveys, two sites, confidential clients.
- Environmental Eng. Course development, with Dames and Moore, for RMIT.
- Study of environmental factors - calcining kiln destruction of waste oil - Comalco, Weipa.
- Municipal waste incinerator for Shenyang City, Liaoning Province, China – process engineering,
- Plant design and cost estimating for complete project.
- Municipal waste study and management options for Anshan City, Liaoning Province, China environmental engineer and project manager.
- Solid waste (municipal, commercial, industrial, bio-medical, construction and demolition) management studies, for various clients.
- Waste oil treatment for oil products recovery, by physical-chemical treatment, oil pool remediation, destruction by incineration; for various clients, including - Loongana Lime at Kalgoorlie, and Ports and Harbours Authority of Tonga.
- PCB contaminated waste oil recovery from contaminated water, lagoon and treatment for disposal as fuel oil.
- Emission controls for the phosphate fertilizer industry, particulates and acid gas emissions, for Australian Phosphate.
- Odour studies and design of odour emission treatment solutions for various clients, including Shell, Nufarm, Cargill, Pridhams, Barwon Water, Bituminous Products, ANL, MC Herd, Nuplex Resins
- Design of waste destruction and incineration facilities for various clients including, Lihir Gold, Darwin Ports, Woodside, Ace Waste and a mine site in Laos.

WATER AND WASTEWATER TREATMENT

- Industrial and municipal wastewater (sewage) treatment, including:
    - Primary, secondary and tertiary treatment, by physical, chemical and biological processes - screening, sedimentation, fine screening, dissolved air flotation, chemical precipitation and adsorption;
    - The activated sludge process - lagoon, ditch, suspended and fixed film, aerobic and anaerobic processes, biological and chemical nutrient (N & P) removal;
    - Land based treatments - lagoon, wet lands, grass plots, irrigation, composting (sludges). Particularly with respect to process and plant design, design auditing and plant commissioning and operation;

- For various clients and contractors, including -Thames Water, Kinhill Engineers, BHP, Sydney Water Board, CSIRO, BP Kwinana, and various projects for special conditions, for the Australian Antarctic Division, the Royal Botanic Gardens Sydney, and several tourism developments in environmentally sensitive areas; and
- Projects in Vietnam, Singapore, China and Thailand.

- Potable and industrial water treatment, including screening,
- sedimentation, clarification, filtration, chemical and ion exchange softening and demineralizing processes, for a large number of industries and client.
- Ballast water and industrial and commercial oily water treatment including waste oil and sludge management, comprising - feasibility studies, detail design and design studies for BP, Mobile and Santos.
- Liquid wastes and sludge treatment, comprising dewatering, disposal and destruction on various projects ranging from incineration to composting and agricultural land application.
- Refinery and chemical industry wastewater treatment plant including:
  - refinery sewer upgrade, lifting stations, storm water management, primary and secondary oil removal, aerobic biological treatment incorporating nitrification and denitrification, sludge dewatering and disposal and ballast water treatment;
  - Process selection, budget costing, feasibility study, followed by detail process design and
    engineering to a definitive estimate and bid enquiry specifications stage, with Shedden Pacific ;
  - Foster Wheeler Italy, for BP Kwinana; and
  - Similar projects for ICI (Orica) Botany, Santos, Mobil and Esso.

- Process engineering audits for a number of refinery, power station and petrochemical plant wastewater treatment facilities, with PWT Asia/Pacific.
- Consultation on treatment options and R & D program for brown coal thermal dewatering wastewaters for a confidential client.
- Investigation of a new technology for wastewater treatment, for Kinhill Engineers.
- Stormwater management, site survey, design of containment and treatment measures, for various clients.
- Water clarification, recovery and recycle by physical means, gravity, super-gravity and thermal processes, for various clients, including Australian Antarctic Division and BHP Pt Kembla; and with Global Spill Control for various mining companies and municipal authorities.
- Review of technology and market for water and wastewater treatment, with McLennan Magasanik, for a confidential client.
- Development of process and equipment for lagoon harvesting, dewatering, drying and preparation of plankton based fish feeds at Melbourne Water Werribee Sewage Treatment Facility for Zootech Pty Ltd.
- Oil/water containment and separation processes for various industries and for spill incident recovery, for Global Spill Control P/L, including process and equipment development for new applications.

- Wash-down water management systems for machine shops, assembly plants, vehicle wash and golf course workshops, for various clients, with Global Spill Control.
- Design of water treatment systems and site wetlands for BHP – Mitsubishi Alliance (BMA) Peak Downs – Bowen Basin

PROCESS ENGINEERING AND PLANT DESIGN – ENVIRONMENT AND SAFETY ASPECTS FOR;

- Offshore oil and gas platform;
- Natural gas processing and pipelining facilities;
- Refinery flare and off-gas treatment and VOC emission controls;
- Sour gas scrubbing and liquor regeneration (coal and oil gasification);
- Waste incineration flue gas scrubbing and emission control systems;
- Process & equipment development and design & construction of pilot, demonstration, scale-up and commercial scale plant;
- Gold mines - site remediation, tailings dewatering, wastewater treatment, and air emissions control, including power station stack designs and dispersion considerations.

FEASIBILITY STUDIES;

- Design and feasibility study for a large new wastewater treatment facility with Shedden and Foster Wheeler for BP Refinery Kwinana, WA.
- FS for cement kiln thermal destruction of liquid and solid wastes with CMPS&F.
- AIDAB DIFF funding submission for an industrial fuel coal gasification plant in Tangshan, China.
- AIDAB DIFF funding submission for a town's gas plant in Yingku, China.
- AIDAB DIFF funding submission for a sewage treatment plant in Kunming, Yunnan, China.
- AIDAB DIFF funding submission, for an industrial waste (tannery) bio-sludge handling and
- Incineration in Shanghai, China.
- Concept and feasibility studies and design development of processes for sewerage sludge management, including thermal, chemical, biological, aerobic and anaerobic, digestion and composting processes for Bangkok with Thames Water.
- AIDAB DIFF funding submission, for municipal solid waste management, including sewage sludges, by combination of controlled landfill and composting.

FUELS AND ENERGY PROJECTS;

- Coal gasification for various industrial fuel gas and town gas projects in China, process selections, process design, engineering supervision, and environmental management.
- Solid and liquid waste (tyre rubber, waste oil and grease and bio-solids) gasification by pyrolysis, producer gas manufacturing and bio-gas digester processes, various design studies, pilot plant developments and commercial plant design.
- Recycle of an industrial waste stream by a process of thermal treatment, drying, pelletising and calcining to recover alkali values and eliminate a waste stream.
- Process selection and development and detail design studies for a municipal solid waste incineration and power generation plant in Shenyang, China.
- Industrial waste thermal destruction options -training and technical assistance for India with Kinhill Engineers.
- Solar energy -thermal systems, including solar distillation for water desalination and solar ponds for process heating.
- Synthetic, manufactured and refuse derived fuels -preparation and utilization, systems engineering and design and economic evaluation.
- Alternative fuels project – Cement Australia, Railton Kiln
- Technical development work and advise – Latrobe Lignite
- EEO (Level 3 Energy Audit) – Australian Bulk Minerals, Port Latta and Savage River

LECTURER

In Chemical and Environmental engineering at RMIT University Subjects include –

- Environmental process engineering (chemical engineers)
- Chemical engineering design
- Environmental engineering design Fate and transport of pollutants
- Environmental law and policy (EMS's and standards, including -ISO 14000 series)

LEGAL (WITNESS)

- Shell Refineries -air emission fine -EPA Vic.
- McPherson -commercial and contract dispute -solid waste gasification plant.
- Peerless Holdings – Pridham rendering plant odour complaint – EPA Vic
- Peerless Holdings – contract failure, expert witness.

LEGAL (ENVIRONMENTAL AUDITS AND ADVICE)

- Ace Waste -permits and licenses, Sydney and Brisbane
- Ace Waste, Brisbane -assistance with public meeting representation
- Totalcare, Canberra -environmental auditing, with Egis Consult
- Totalcare, Canberra -public meeting representation, with Egis
- ACTEW, Canberra -technical consulting on environmental aud
- Brisbane Water -technical consulting on environmental audit, w
- Gold Coast Water -technical consulting on environmental audit
- Hazelwood Power -technical consulting on environmental audit
- Peerless Holdings -consultant on environmental requirements and public consultation process.
- Ranger Uranium Mine -technical consulting on environmental

Appendix C:
Response to Documentation- Noise

BGMA Pty Ltd
ABN 55 101 186 805
Consulting Acoustical Engineers

Unit 31 / 12 Meadow Crescent,
Meadowbank NSW 2114
Ph: 02 98090745 Mob: 0405 493 726

Monday 24 October 2011

SEMF Pty Ltd

50 Berry Street

North Sydney NSW 2060

Project Response to Documentation

"No Fuss Liquid Waste" Facility

Unit 2, 10-12 Smith Street, Emu Plains NSW

Introduction

In the document "No Fuss Water Treatment Facility (MP 10_0077) – Issues of Submissions" a number of issues were noted by the Department of Planning and listed in Attachment 1, Attachment 2 and Attachment 3 of that document.

In Attachment 1 - Department of Planning Issues 10_0077, it is requested that:

- Assessment of impacts on the nearest residential receivers.
- Morning shoulder period as well as a discussion of impacts after-hours deliveries.
- Meteorological effects.

In Attachment 2 – Copies of Public Submissions Received for 10_0077, it is claimed that:

> "There are residences within 50 metres (in Railway Street at the back of the facility) and 2 more within 80 metres also in Railway Street including my property at #17".

In Attachment 3 – Copies of Submissions Received from Agencies – Penrith City Council personnel note that:

> "There are remnant residential uses within the industrial zone."

Discussion – Nearest Potentially Affected Residences

To address the issues raised, it is necessary to address Attachment 2 and Attachment 3, first.

I have walked the area to identify the residences referred to.

There appears to be 'residential type' buildings at:

- No.1 Smith Street at a distance of 35 metres
- No.5-7 Railway Street (at rear of facility) at a distance of 17 metres
- No.1 Railway Street at a distance of 35 metres
- No.2 Railway Street (opposite 1 Railway Street) at a distance of 70 metres.
- No.17 Railway Street at a distance of 90 metres

Reviewing these identified Smith Street and Railway Street "residences":

- No.1 Smith Street appears to be the only residential style building remaining in Smith Street. As I understand, from the proponent, this building is not occupied as a residence, but is being used for storage by one of the other businesses in Smith Street. The driveway and car port showed no indication of recent use.

- No.5 Railway Street at the rear of the facilities did at one time have a residential type structure but this has been removed and what remains is a shed and yard.
- No.1 Railway Street appears to be commercial cottage for a smash repair business at No.1 Railway Street.
- No.2 Railway Street across from No.1 Railway Street is fenced off and the doors and windows are covered with roof cladding. The building appears to be empty and unused and within the Boral industrial site.
- No.17 Railway Street appears to be an actual residence 90 metres from the site.

Only the building at No.17 Railway Street appears to be residential.

With regard to other potential residences, the nearest "residential areas" appears to be Nepean River Holiday Village 550 metres to the west, and residential areas to the south-east about 330 metres away toward the Great Western Highway. The residential part of the Emu Plains Corrective Centre about 530 metres to the north-north-east.

This addressed the comments in Attachment 2 and Attachment 3. The residence at No.17 Railway Street appears to be the only occupied residential location within 330 metres.

Discussion – Noise Levels to Nearest Potentially Affected Residence

During operation, the calculated sound power level of the building envelope is a L_{Aeq} sound power level of 59 dB(A) and a L_{Amax} sound power level of 64 dB(A) with doors and windows closed.

An $L_{A90,15min}$ of 30 dB(A) is generally accepted as the minimum background for assessment purposes.

If we assume 'background+5' as the criteria, then a L_{Aeq} noise reduction of (59-8-35) or 16 dB is required achieve compliance for L_{Aeq} values, and an L_{Amax} noise reduction of (64-8-35) or 21 dB is required achieve compliance for L_{Amax} less than 35 dB(A). The first can be achieved within 7 metres (free-field) from the building envelope. The second can be achieved within 12 metres (free-field) from the building envelope.

The internal L_{Aeq} noise levels with the equipment operating was up to 62 dB(A) inside the building. The internal L_{Amax} noise levels with the equipment operating, was up to 64 dB(A) inside the building.

Three metres from the open doorway, the L_{Aeq} and L_{Amax} noise levels from the open doorway would be 60 to 62 dB(A). If we assume 'background+5' as the criteria, then via the open doorway, a L_{Aeq} noise reduction of 18 dB would be required, and a L_{Amax} noise reduction of 23 dB would be required. The first can be achieved within 8 metres (free-field) from the open door. The second can be achieved within 15 metres (free-field) from the open door.

Even without barriers, the impact of the building does not extend beyond 15 metres. The No.17 Railway Street residence is 90 metres away and shielded by intervening buildings.

As for the trucks visiting the site, off-road noises included engine noise when reversing of up to 72 dB(A) at 7.5 metres and engine idling of up to 66 dB(A) at 7.5 metres. The reversing alarm was up to 85 dB(A) at 7.5 metres and the air brake release' was up to 95 dB(A) at 7.5 metres.

The distance to No.17 Railway Street would be 90 metres.

Engine noise reversing and idling would be attenuated to 24 dB(A) and 30 dB(A) respectively. Reversing beeper and air brake release are attenuated to 41 and 43 respectively. Due the short duration of these noise events, 'sleep disturbance' criteria would apply of an L_{Amax} of 'background+15' or 45 dB(A).

None of the on-site truck noise emissions would contribute to 'sleep disturbance'.

Entering and leaving the area, late at night, the truck would need to pass along Smith Street and pass along Old Bathurst Road. The first is 70 metres from No.17 Railway Street (with intervening buildings) and the second is 140 metres from No.17 Railway Street (with intervening buildings).

The truck noise would be attenuated to 41 dB(A) or less passing along Smith Street, and to 35 dB(A) or less passing along Old Bathurst Road.

The truck movement noise levels are well within the traffic noise criteria for traffic on public roads. For road traffic 'awakening response' is only likely to occur if the passing vehicle causes an internal L_{Amax} of 50 dB(A) or greater.

This addresses Parts 1 and 2 of the queries in Attachment 1. There is no adverse impact on residential locations.

Meteorological Effects

Meteorological effects are normally only applied at distances beyond 100 metres. Over 300 metres, adverse meteorological condition could increase levels by up to 4 dB(A).

Even under adverse meteorological conditions, if the criteria can be satisfied at No 17 Railway Street, the criteria can be satisfied at residences 330 metres away.

Distance attenuation would be 10 dB(A) greater. Adverse meteorological conditions may reduce this by 4 dB(A) to 6 dB(A), but upper frequencies would be further reduced by air absorption. Located within the industrial area, the site will be shielded by intervening buildings with the barrier effects greatest close to the sources and added to by passage across the rooftops.

This addresses Parts 3 of the queries in Attachment 1. For the distribution of residential locations, only these within 100 metres needed to be considered in this assessment. Within 100 metres are less than 2 dB(A) for light inversion plus drainage flow wind drift, and less than 3 dB(A) for heavy inversion plus drainage flow wind drift. These conditions are only likely to occur in early morning and in colder weather.

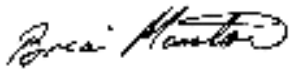
Summary

The above assessment was done for a hypothetical environmental $L_{A90,15min}$ background of 30 dB(A). Even under these conditions, there is no adverse impact to residential locations.

Viewed in the wider context of the area, the general ambient background of this entire area would be conditioned by traffic noise from Castlereagh Road 1.7 kilometres to the west and the M4 2.4 kilometres to the south. The environmental $L_{A90,15min}$ is more likely to be 35 to 40 dB(A).

The above discussion should address all of the concerns raised in Attachment 1, Attachment 2, Attachment 3 of the "No Fuss Water Treatment Facility (MP 10_0077) – Issues of Submissions" from the Department of Planning.

Regards



Brian Marston
Director / Principal Consultant
BGMA Pty Ltd

Appendix D:
PLEP Flood Planning Land Map

Penrith Local Environmental Plan 2010

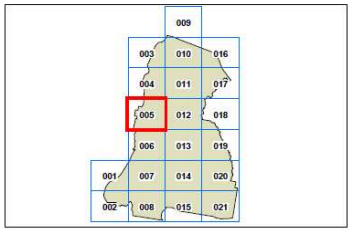
Flood planning land map - sheet FLD_005

Flooding

Flood planning area

Cadastre

Cadastre 12/05/2010 © Penrith City Council



N

200 0 200 400 600

Metres

Projection: GDA 1994 MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number: 6350_COM_FLD_005_020_20100512

Appendix E:
Survey Plan

MATTHEW FREEBURN, B. Surv., R.S., M.I.S.

LAND, ENGINEERING AND MINING SURVEYOR
Established 1951

MEMBER OF INST. OF SURVEYORS REGISTERED UNDER SURVEYORS ACT 2002

MEMBER ASSOCIATION OF CONSULTING SURVEYORS NEW SOUTH WALES.

ABN 81 257 610 288

FREEBURN
W E
SURVEYING

REGISTERED BY
THE INSTITUTION OF SURVEYORS, N.S.W.

PENRITH PHONE: (02) 4721 2289
PENRITH FAX: (02) 4721 5646
WINDSOR: (02) 4577 5551

email: matthew@freeburnsurveyors.com

Correspondence to:
Suite 2, 1st Floor, "Surveyor House"
2 Castlereagh Street, Penrith NSW 2750

DX 8018 PENRITH

3rd May 2012

IN REPLY please quote Ref: 33330

No Fuss Liquid Waste Pty Ltd
10 - 12 Smith Street
Emu Plains NNW 2750

Dear Sir

In accordance with your instructions, I have carried out a survey of Lot 330 in Deposited Plan 575290 being land contained in Folio Identifier 330/575290 situate Emu Plains, Local Government Area of Penrith, Parish of Strathdon, County of Cook, and report as follows:

Levels have been taken on Australian Height Datum over the subject land. The land has frontage to Smith Street. The dimensions of the land edged in red together with the position of the levels taken are shown on the diagram below.

The floor level of the factory units varies from 25.08 to 25.10 metres Australian Height Datum as shown.

Yours faithfully

REGISTERED SURVEYOR