

**MAJOR PROJECT ASSESSMENT:
*No Fuss Liquid Waste
Oily Waste Treatment Facility
(MP 10_0077)***



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

October 2012

Cover Photograph: 1. Dissolved Air Flotation Plant 2. Oil Separator (Source: Environmental Assessment)

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EXECUTIVE SUMMARY

No Fuss Liquid Waste Pty Ltd (No Fuss, the Proponent) currently operates a sewage sludge and septic liquid waste removal service in an industrial unit on Smith Street Emu Plains, in the Penrith Local Government Area.

No Fuss is proposing to expand and diversify its business to include the treatment of oily liquid waste in an adjacent unit. The waste proposed to be treated by this facility is classed as J120 waste under the Environment Protection Authority's waste classification code.

The proposed treatment facility would be located within an existing 234.6 m² industrial unit and would collect and treat up to 26,000 tonnes oily liquid waste per annum. The proposed facility would treat oily liquid waste from various commercial and industrial operations such as textile plants, plant wash down water and car washes.

Generally, the facility would treat the waste by separating the waste into oily, water and sludge components. This would enable the water component to be discharge to sewer as trade waste with the remaining components to either be sent to an appropriately licensed facility for disposal or to potentially be reused or recycled.

The proposal is classified as a 'major project' under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as it is development for the purposes of a liquid waste depot "that handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste" and consequently requires the Minister's approval. However, the application is able to be determined by the Deputy Director-General under delegation. As the Environmental Assessment for the Project was lodged prior to 1 October 2011, the Project is a considered to be a transitional Part 3A Project.

The proposal has a capital investment value of around \$275,000 and would create 3 operational jobs.

During the exhibition period, the Department received 10 submissions on the Project, including three from public authorities (including Penrith City Council) and seven from the general public. Penrith City Council originally objected to the proposal, mainly due to the accessibility of heavy vehicle to the site, its reliance on aspects of the adjacent Unit 1 and compliance with the Building Code of Australia. However, further information from the Proponent and the recommended conditions of approval has satisfied Council of its original concerns. None of the other authorities objected to the project, however, the Environment Protection Authority made a number of recommendations, including the need for the Proponent to undertake an initial trial to ensure the facility operates effectively and measures to manage odour and waste. All seven public submissions objected to the proposal, raising concerns over odour, traffic and the appropriateness of the site.

The Department has assessed the merits of the project in accordance with the relevant requirements in the *Environmental Planning and Assessment Act, 1979*, and considers these impacts can be adequately mitigated and/or managed to ensure an acceptable level of performance and has recommended a range of conditions to ensure this occurs.

In addition, the Department recognises that the project would help to increase the recovery of reusable components from liquid waste, which is consistent with the strategic direction for waste management in NSW.

Consequently, the Department believes the project is in the public interest and should be approved, subject to conditions.

1. BACKGROUND

1.1 Project background

No Fuss Liquid Waste Pty Ltd (No Fuss, the Proponent) operates a sewage sludge and septic liquid waste removal service.

On 16 February 2009, Penrith City Council (Council) granted No Fuss a two year time limited development consent to operate a facility for the collection and treatment of septic waste at Unit 1 10-12 Smith Street, Emu Plains within the Penrith Local Government Area (LGA). This operation has generated some odour complaints from nearby businesses, Council and the EPA. To address this issue, the EPA is currently considering the implementation of a Pollution Reduction Program. A new development application is currently being prepared by No Fuss to allow the facility to operate on a permanent basis. This application will be assessed by Council.

To fulfil an identified customer demand for the collection and treatment of oily waters, the Proponent now proposes to expand and diversify its business and is seeking approval to operate a separate plant known as a J120 Plant. J120 waste is defined as oil/hydrocarbons mixtures/emulsions in water by the EPA's waste code, and is considered to be a less odourous waste than the septic waste which is treated in the Proponent's existing operation.

The facility would collect and treat oily liquid waste, (in a process described in Section 2.1), enabling it to be disposed of in an environmentally responsible manner either to sewer as trade waste or to appropriately licensed facilities.

The facility would operate from Unit 2 10-12 Smith Street, Emu Plains (the Site, see **Figure 1**) which is located adjacent to the Proponent's existing sewerage pump out operation. The proposal would have the capacity to treat up to 26,000 tonnes of oily liquid waste per annum or 100,000 litres per day. However, the Proponent estimates that based on current client demand, the facility would only initially treat approximately 10,000 litres per day.

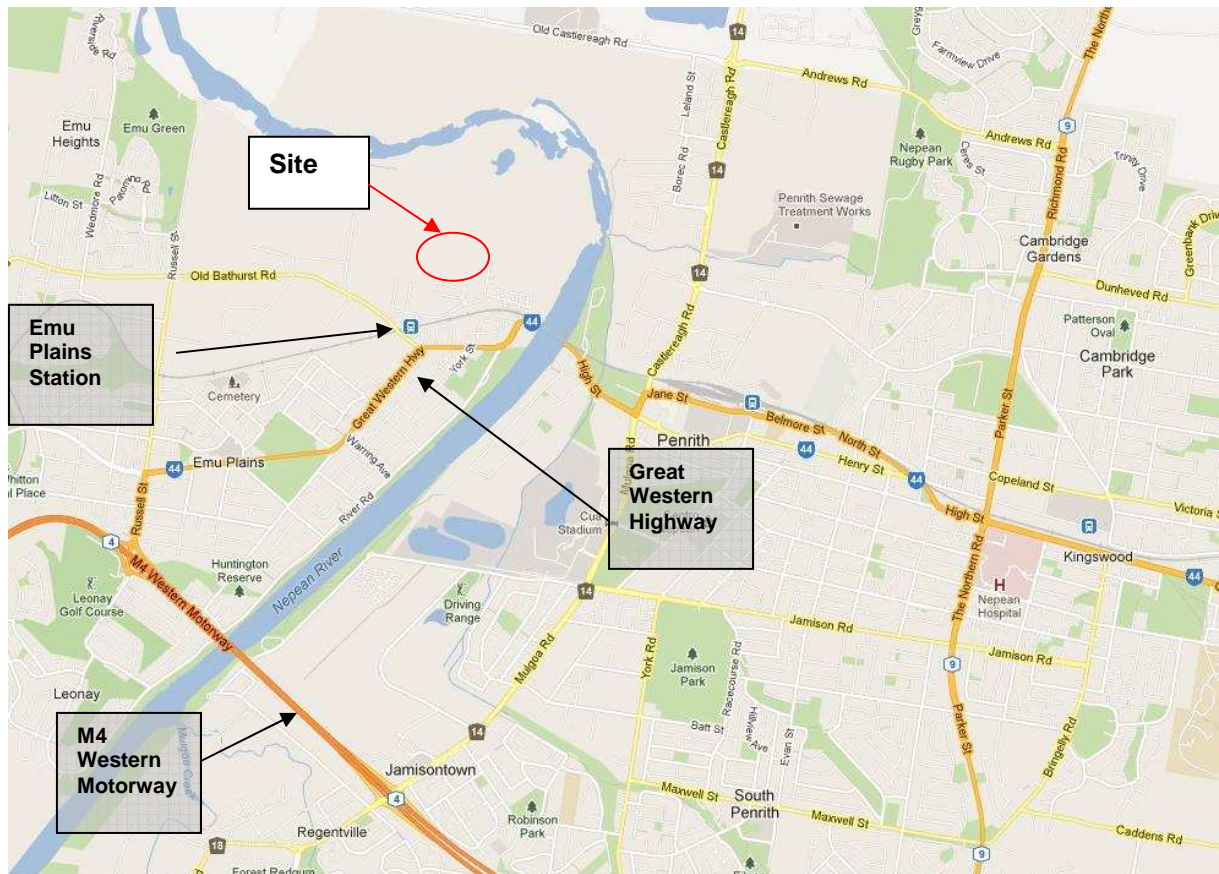


Figure 1: Site location

Site description

The proposed site is located within an industrial area in Emu Plains, some 60 kilometres west of Sydney's CBD. The site is accessible via Smith Street, a local road which runs off Old Bathurst Road which in turn connects to the Great Western Highway (see **Figure 1**).

The Site is bounded on all sides by commercial/industrial development including car mechanics, smash repairers, diesel spare parts dealers and motorcycle repairers. The nearest residential area is located approximately 350m to the south-east of the site, however, there is a residential dwelling located within the industrial area, some 90m to the south-east.

The Emu Plains Correctional Centre is located on land to the north-west of the site, while land to the north-east is used for quarrying. Nepean High School is located some 530m to the south and the Nepean River some 850m to the east (see **Figure 2**).

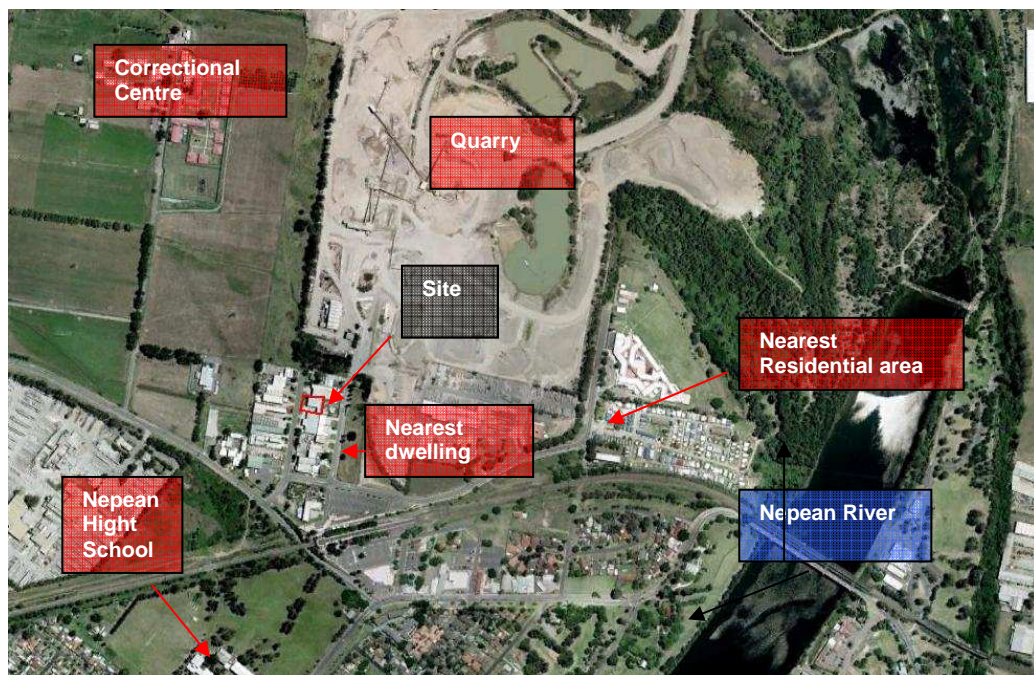


Figure 2: Local context

The Facility would be located in an existing 234.6m² unit (Unit 2). Since No Fuss operates the adjoining Unit 1, they propose to utilise the office and amenities in this Unit as part of the operations of Unit 2 (see Figure 3). However, the Proponent has advised that Unit 2 has its own office and amenities should they be required.



Figure 3: The existing Location at Unit 1 and Proposed at Unit 2

The area external to the Unit is covered by a concrete hardstand driveway.

2. PROPOSED PROJECT

2.1 Project Description

The project comprises the collection and treatment, in a dissolved air floatation device (described below), of up to 26,000 tonnes per annum of oily liquid waste. The waste, once treated would be disposed of in an environmentally responsible manner either to sewer as trade waste or to appropriately licensed facilities.

The project layout is shown in **Figure 4**. The key components of the project are listed in **Table 1** and detailed in the Environmental Assessment (EA) for the Project (see **Appendix A**). The general process for the treatment of the waste is illustrated in **Figure 5**.

Table 1: Major Components of the Project

Component	Description
<i>Project Summary</i>	<p>The facility would only accept waste classified under the EPA's J120 waste code which is defined as waste oil/water, hydrocarbons/water mixtures or emulsions. This type of waste includes:</p> <ul style="list-style-type: none"> • Vehicle washdown; • Boiler blowdown sludge; • Cooling tower washwaters; • Textile effluent and residues; • Industrial plant washwaters; • Ethylene glycol-water (antifreeze); • Oil/hydrocarbon (<50%) mixed with water; and • Other (cutting oils, soluble oils).
<i>Major Components of construction</i>	<ul style="list-style-type: none"> • No construction works are proposed as part of the Project. • No Fuss has already installed the wastewater holding pit, oil water separator, water storage tank, dissolved air floatation plant (DAF), sludge tank and centrifuge. The layout of the plant is shown in Figure 4.
<i>Major Components of Operation</i>	<ul style="list-style-type: none"> • Prior to treatment, samples of the wastewater would be tested to ensure that the waste is an approved J120 waste; • Vacuum tankers would collect and deliver waste to the facility; • Loads would be scheduled so that only similar wastes are placed together so that they can be treated as one batch; • The specific processing activities proposed are shown in Figure 5; and • Once treated, all waste would be removed from site to the sewer through a Trade Waste permit, sent to a licensed oily waste recycling contractor or disposed of at a licensed facility.
<i>End products</i>	<p>As a guide, the Proponent provided an estimate of the volume waste that would be generated from the treatment of 60,000L oily liquid waste, as well as an indication of where the output would be sent.</p> <p>The treatment of 60,000L of oily liquid waste would produce:</p> <ul style="list-style-type: none"> • 59,800L of treated effluent water to be sent to sewer as trade waste; • 15L of oil to be sent to an appropriately licensed facility for disposal or to a recycling contractor for recycling; and • 400kg of sludge to be sent to an appropriately licensed facility for disposal. <p>Around 99% of incoming waste would be disposed to sewer as trade waste once treated.</p>
<i>Traffic</i>	Up to 12 trucks per day
<i>Hours of Operation</i>	<ul style="list-style-type: none"> • Waste receipt – 6am-6pm 7 days a week • Waste processing – 8am-6pm Monday to Friday, no processing on weekends • Emergency waste receipt – anytime
<i>Employees</i>	3
<i>CIV</i>	\$275,000

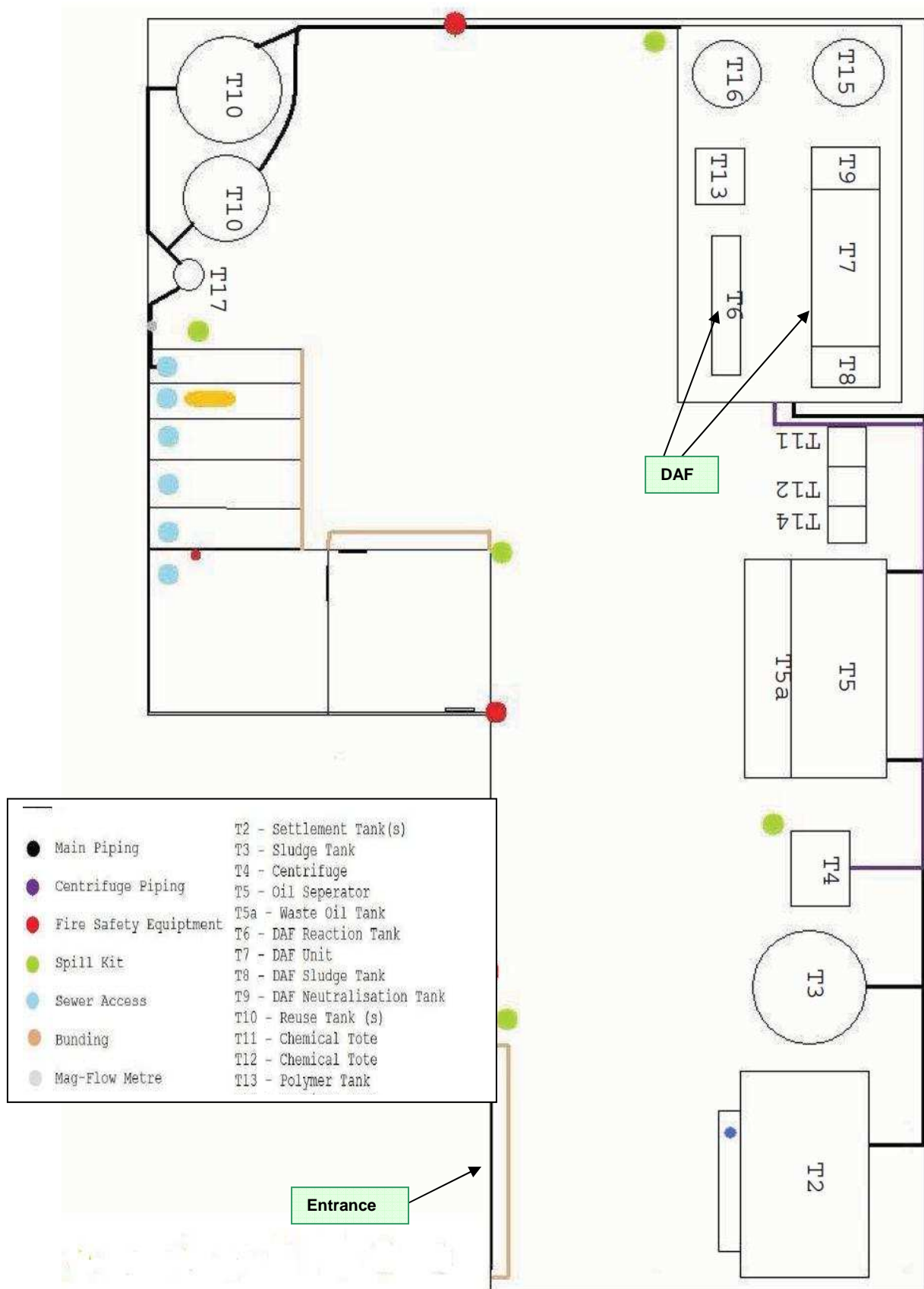


Figure 4: Plant layout (Source: Environmental Assessment)

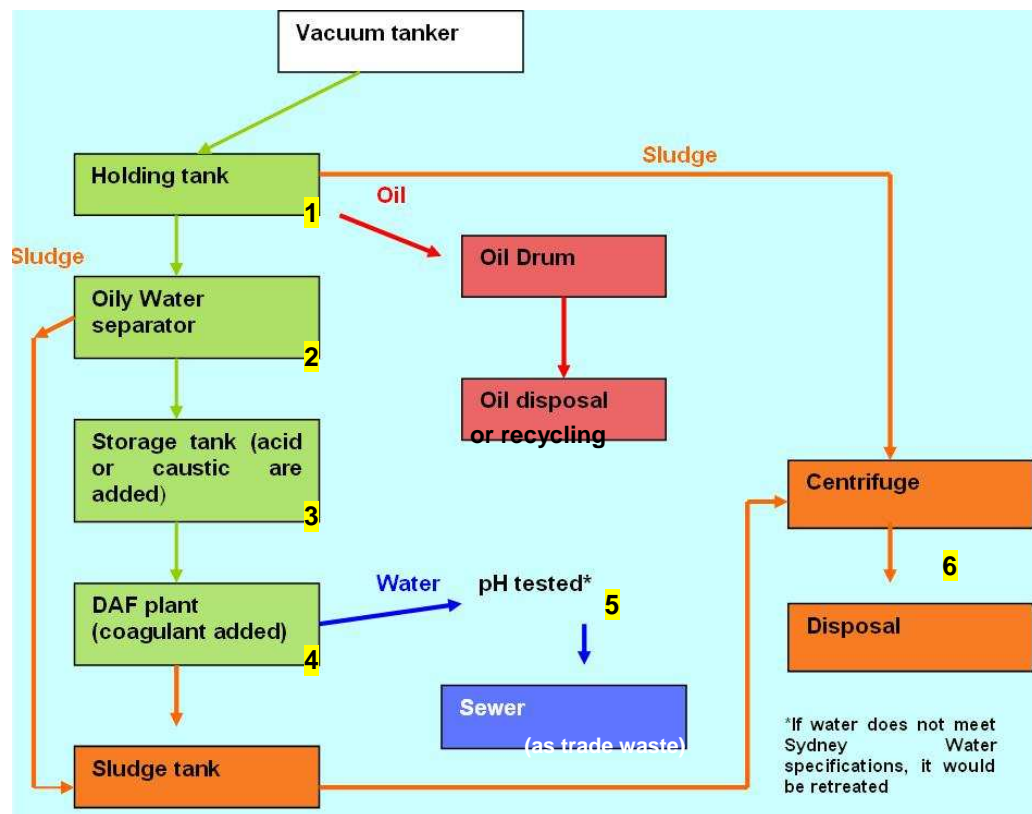


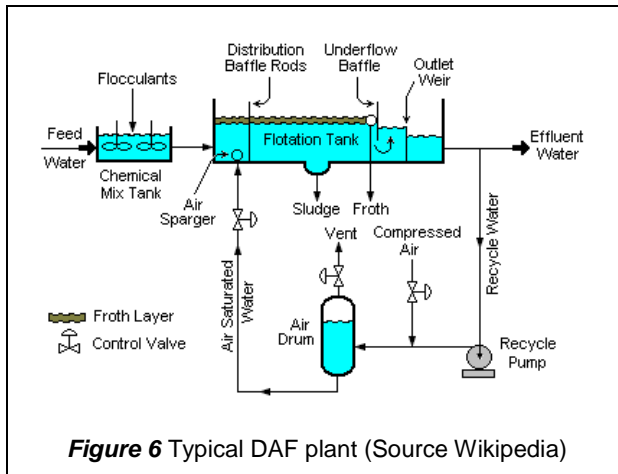
Figure 5: The proposed treatment process

The proposed treatment activities are shown above in Figure 5 and described below:

- Vacuum tankers would collect and deliver waste to the facility's holding tank (1).
- Prior to treatment, samples of the wastewater would be tested to ensure that the waste is an approved J120 waste.
- Loads would be scheduled so that only similar wastes are placed together so that they can be treated as one batch.
- From the holding tank the waste water would be passed through an oily water separator. From the oily water separator all water would be sent to a storage tank (where acid or caustic is added) and all oil reticulated to an oil collection system and stored in drums. Steps 1-3, are aimed at pre-conditioning the wastewater for the DAF operation.
- Any sludge left in the holding tank would be passed through a centrifuge where it will be spun until dried (6).
- After the dosing line, where polymer would be added (4), the water would be pumped through the DAF unit.
- The DAF process (4) clarifies the wastewater. Micro-fine bubbles of air would be combined with the insoluble material in the wastewater, lifting it to the surface from where it can be removed.
- Any sludge from the storage tank or DAF treatment would be sent to the sludge tank (6);
- All sludge from the tank would be sent through the centrifuge where it will be spun until dried (6).
- Once treated, all waste would be removed from site either by on-site discharge to sewer via a Trade Waste permit, or removed by a licensed oily waste recycling contractor or to a licensed facility for disposal.

Figures 6 and 7 below illustrate a typical DAF schematic and a photo of the plant proposed to be used by No Fuss.

Following treatment, the Proponent estimates that over 99% of the waste would be able to be discharged to sewer as trade waste.



3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The key strategic policy documents relevant to the proposal include:

- NSW 2021 State Plan; and
- the Metropolitan Plan for Sydney 2036.

NSW 2021

NSW 2021 is the NSW Government's strategic business plan, setting priorities for action and guiding resource allocation.

In relation to this proposal, the relevant objectives are to grow business investment, deliver 100,000 new jobs and increase recycling. The Project is consistent with these objectives.

Metropolitan Plan for Sydney 2036

The Metropolitan Strategy promotes sustainable growth in the Sydney region until 2036. The strategy sets out key aims for employment, housing, infrastructure and service provision. By 2036 Sydney's growth will require 760,000 more jobs, with half planned for Western Sydney. The Liquid Waste Treatment facility will provide an additional 3 jobs which will contribute to this aim.

Another relevant objective of the Metropolitan Strategy is to improve the health of waterways, coasts and estuaries. Effective stormwater and wastewater treatment systems play a critical role in maintaining and improving Sydney's waterways. The Project would contribute to this aim by appropriately treating up to 100,000L of oily wastewater a day prior to its being discharged to the sewer.

3.1 Major Project

The proposal is classified as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purposes of a liquid waste depot "that handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste".

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

The Minister has delegated his functions to determine Part 3A development applications to the Deputy Director-General where:

- the Council has not made an objection;
- there are less than 25 public submissions objecting to the proposal; and
- a political disclosure statement has not been made in relation to the application.

There have been 7 submissions received from the public and no political disclosure statements have been made for this application or for any previous related applications. In addition, there have been no disclosures made by any persons who have lodged an objection to this application. Council initially objected but after further discussions are now satisfied with the proposal.

Accordingly the application is able to be determined by the Deputy Director-General in accordance with the Minister's Instrument of Delegation, dated 14 September 2011.

3.2 Permissibility

The project site is zoned IN1 (General Industrial) under the *Penrith Local Environment Plan 2010* (Penrith LEP 2010).

IN1 is a prescribed zone under *State Environmental Planning Policy (Infrastructure) 2007* and the project would be permissible with development consent in this zone as a waste or resource management facility.

3.3 Other approvals

The Project also requires:

- an Environment Protection Licence from the EPA under the *Protection of the Environment Operations Act 1997*; and
- a trade waste permit from Sydney Water under the *Sydney Water Act 1994*.

3.4 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department has considered the project against the relevant provisions of several environmental planning instruments including the *Penrith Local Environmental Plan 2010* and *State Environmental Planning Policy 33 'Hazardous and Offensive Development'*.

The Department is satisfied that, subject to the implementation of the recommended conditions of approval, the proposal is generally consistent with the aims and objectives of these instruments (see Appendix D).

3.5 Objects of the EP&A Act

The Minister's consideration and determination of the application must be consistent with the relevant provisions of the EP&A Act, including the objects set out in the Act's section 5. The objects of most relevance to the Minister's decision on whether or not to approve this project are those under Section 5(a)(i), (vi) and (vii).

They are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development.*

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. The assessment integrates all significant economic and environmental considerations and seeks to avoid any potential serious or irreversible damage to the environment, based on an assessment of risk-weighted consequences.

The Department is satisfied that the project can be conducted in a manner that is broadly consistent with the objects of the EP&A Act.

3.6 Statement of Compliance

In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements issued on 28 June 2010 have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 1 December 2010 until 4 February 2011 (66 days) on the Department's website and at:

- the Department's information Centre;
- Penrith City Council; and
- the Nature Conservation Council.

The Department also advertised the public exhibition in the Penrith Press and notified landholders and relevant State and local government authorities in writing.

The Department received 10 submissions during the exhibition of the EA – three submissions from public authorities and seven submissions from the general public.

A summary of the issues raised in submissions is provided below, a copy of each of these submissions can be found in Appendix B.

4.2 Public Authority Submissions

Three submissions were received from public authorities. Penrith City Council initially objected to the proposal and the Environment Protection Authority (former Department of Environment, Climate Change and Water) made a number of recommendations.

The EPA provided recommended conditions to manage odour impacts and incoming waste. The EPA also advised that it would include a condition in its licence for a trial period of operation. This trial period would enable the EPA to verify the Project's ability to meet its environmental requirements, particularly relating to odour emissions.

Penrith City Council objected to the Project, it raised concerns over the site suitability (including access arrangements), odour (given the adjacent site's history of odour complaints), flood and noise mitigation. Most of Council's concerns were addressed by the Proponent's Response to Submissions. However further issues were raised by Council following its review of the Response, including issues relating to odour, site accessibility and whether Unit 2 was compliant with the relevant provisions of the BCA.

Additional information was prepared by the Proponent (dated October 2012) in response to the remaining issues raised by Council. This included additional traffic analysis provided by the Proponent's traffic consultant and an additional assessment from an accredited certifier against the BCA. In addition, the Department also provided additional information concerning its assessment of potential odour issues from the facility, including details of discussions with the EPA and conditions that would be recommended to ensure odour issues would be managed. In response to the additional information provided and the conditions recommended by the Department (which included some specific conditions to address Council's issues), Penrith Council advised the Department that it no longer objected to the proposal.

Sydney Water does not object to the Project, however, it advised that the Proponent would have to enter into a trade waste agreement. It also advised that the Proponent would need to design and construct an extension to the available 100 mm water main on the eastern side of Smith Street and an extension to the available 225 mm wastewater main in Smith Street.

4.3 Public Submissions

Seven submissions were received from the public, all seven objected to the Project. The key issues raised in the public submissions include:

- Odour
- Traffic
- Noise
- Flooding
- Over-development of site.

The Department has fully considered the issues raised in submissions in its assessment of the project.

4.4 Proponent's Response to Submissions

SEMF, on behalf of No Fuss, provided a response to the issues raised in submissions on 18 June 2012 (refer to **Appendix C**). SEMF advised that the Response to Submissions Report had taken over a year to prepare as No Fuss was researching the viability of an odour treatment system.

The Response to Submissions Report modified the Project slightly as it provided for the installation of an odour treatment system in response to concerns raised. It also provided clarification on a number of issues including, traffic, noise and flooding.

5. ASSESSMENT

The Department has assessed the merits of the project, and is satisfied that the impacts of the project are relatively minor and can be suitably managed to ensure an acceptable level of environmental performance.

In assessing the merits of the project, the Department has considered:

- the EA, submissions and the Proponent's response to submissions on the project (refer Appendices A, B and C);
- the relevant environmental planning instruments, guidelines and policies;
- the objects of the EP&A Act, including the object to encourage ecologically sustainable development; and
- the relevant statutory requirements of the EP&A Act & Regulation.

The Department's assessment is presented in Table 2.

Table 2 – Department's Assessment

Assessment	Recommended Conditions
Waste Management	
<ul style="list-style-type: none"> • The Project would enable No Fuss to treat up to 26,000 tonnes per annum of oily liquid waste which is classified as J120 waste under the EPA's waste code. • Treatment involves separating the waste into oily, water and sludge components. • This would enable the water component to be discharge to sewer as trade waste with the remaining components to either be sent to an appropriately licensed facility for disposal or to potentially be reused or recycled. • No Fuss suggest that over 99% of the treated waste would be sent to the sewer under a trade waste agreement with Sydney Water and the remainder disposed of at appropriately licensed facilities. • No Fuss has also indicated that they are examining opportunities to recycle some of the oil which is separated as a part of the treatment process. • The Proponent has committed to a number of measures to ensure waste is 	<p>Recommended conditions require the Proponent to:</p> <ul style="list-style-type: none"> • ensure all waste generated on the site during the project is classified in accordance with the DECCW's <i>Waste Classification Guidelines</i>; • dispose of waste generated onsite to a facility that may lawfully accept the waste; • shall only receive waste classified as J120 waste on the site; • obtain a Trade Waste

Assessment	Recommended Conditions
<p>managed appropriately, including the preparation of a Waste Management Plan, classifying all incoming and outgoing wastes in accordance with the relevant guidelines and disposal of all waste to appropriately licensed facilities.</p> <ul style="list-style-type: none"> • The EPA raised no concerns over waste management, however, it recommended a number of conditions which have been incorporated into the Department's recommended instrument. • This includes conditions which are designed to ensure the waste material is appropriately screened prior to treatment and stored and classified appropriately before disposal. • The Department considers that the management measures and recommended conditions of approval would ensure waste is managed appropriately. 	<p>Agreement from Sydney Water prior to operations and provide evidence to the satisfaction of the Director-General that the Agreement has been obtained; and</p> <ul style="list-style-type: none"> • prepare and implement a Waste Management Plan.
Odour	
<ul style="list-style-type: none"> • Treatment of oily wastewater has the potential to generate odour emissions. • One residential receiver is located within 100m of the site, while the nearest residential area is located some 330 metres to the south-east. • The EA included a qualitative odour assessment which identified the key odour sources as being the holding tank (particularly during filling), the oily water separator, the storage tank, DAF unit, and the sludge tank. • The assessment indicated that odour generated by the proposal would not be significant. • Both public submissions and Penrith Council's original submission raised concerns over the potential odour impacts of the Project, however, concerns were based on experiences from operations in Unit 1 which treats sewage sludge and residues (K130 waste). • In response the concerns raised, No Fuss installed additional odour treatment systems which included extraction hoods above the three most potentially odorous components of the treatment process. The treatment system would extract odorous air and pass it through two granular activated carbon beds. Treated air would then be discharged at a high velocity through a 1.2m stack on the roof. • In addition to the treatment system, No Fuss also proposes to seal the most odorous parts of the treatment process in order to strengthen the Project's odour control measures. • The Department has included these additional odour control measures in the recommended conditions. • In addition, the Department has also recommended additional conditions which require the Proponent to undertake a 3 month 'Performance Verification Trial' in order to confirm the Project's ability to treat the waste but also to ensure it is undertaken to acceptable standards. • The Trial is required to be undertaken to the satisfaction of the EPA and Director-General. • The EPA acknowledged that odour associated with the Project would be less odorous than the current Unit 1 operations, however as part of their recommended conditions, have restricted the more odorous types of J120 waste that can be processed at the facility. • The EPA also supports the recommended conditions and has advised that on this basis, it is satisfied the current EPL which applies to No Fuss's current operations may be amended to include this current Project. • The Department is satisfied that the recommended conditions would provide suitable measures to manage any potential odour impacts. 	<p>Recommended conditions require the Proponent to:</p> <ul style="list-style-type: none"> • undertake a Performance Verification Trial to demonstrate the suitability of the Project's technology; • not cause or permit the emission of offensive odours; • ensure that the odour treatment system is operating as designed at all times; • fully enclose the delivery pit, holding tank, oil water separator, storage tank & pH control, sludge tank, DAF unit; • seal any gaps/voids in external walls, roof structure and between wall and roof; • prepare and implement an Odour Management Plan that identifies triggers for contingency action; and • commission and pay the full cost of an Independent Odour Audit to assess the effectiveness of the odour controls on site.
Traffic and access	
<ul style="list-style-type: none"> • The Project would generate up to 12 heavy vehicles per day, representing an approximate 2% increase in heavy vehicle movements along Smith Street. • The facility would have a negligible impact on the level of service of the surrounding road network. • The facility would share its access with Unit 1. • The Department, Council and surrounding businesses raised some concerns over whether adequate access and egress to the site can be provided as well as adequate manoeuvrability of vehicles on site. • Additional information provided by the Proponent demonstrated that trucks would be able to enter and egress the site in a forward direction even when the adjacent unit is in operation. • However, Council were not satisfied with the response and raised objections to the Project, particularly the ability of a larger heavy vehicle (~11.5m) which is known to access the site being able to enter the site in a forward direction. • To address this issue, the Department has recommended a condition limiting 	<p>Recommended conditions require the Proponent to:</p> <ul style="list-style-type: none"> • seal the front setback area to enable its use for heavy vehicles movements; • ensure that Vehicles associated with the Project do not exceed 9 metres in length until an independent, appropriately qualified traffic engineer demonstrates that longer vehicles can access and egress the site in a forward direction, without reliance on neighbouring

Assessment	Recommended Conditions
<p>the length of trucks that can access the site to 9m until an appropriate qualified traffic engineer can demonstrate that larger vehicles can access and egress the site in a forward direction, without reliance on neighbouring driveways.</p> <ul style="list-style-type: none"> • Penrith Council has reviewed this recommended condition and advised that it is now satisfied that this issue has been addressed. • The Department is satisfied that the recommended conditions would ensure that potential traffic impacts on Smith Street are managed appropriately. 	<p>driveways;</p> <ul style="list-style-type: none"> • ensure that vehicles associated with the Project do not park or queue on the public road network; and • ensure that all vehicles enter and leave the site in a forward direction.
Noise	
<ul style="list-style-type: none"> • As the site is located in an industrial area, background noise is generally dominated by industrial and commercial activities. • The EA determined that noise associated with the operation of the facility would comply with the relevant noise criteria. • The noise assessment determined that as the majority of operations would be undertaken within Unit 2, then the building structure would attenuate any noise that is generated. • However to ensure that noise associated with the Project is adequately managed, the Department has recommended a number of conditions. • This includes conditions relating to operational hours as well as the need to comply with specific noise limits. • The EPA raised no concerns regarding potential noise impacts. • As such, the Department is satisfied that the Project would have minimal noise impacts. 	<p>Recommended Conditions require the Proponent to:</p> <ul style="list-style-type: none"> • comply with site specific hours of operation and noise limits.
Flooding	
<ul style="list-style-type: none"> • A survey of the site indicated the floor level of the factory units varies from 25.08 to 25.10 metres Australian Height Datum. • The 1% AEP flood level in the vicinity of the site is estimated to be 25.2m AHD, some 120mm above the floor levels of both Unit 1 and 2. • Both Council and adjacent businesses raised concerns over potential flooding impacts, particularly concerning pollution of downstream waters in a flood event. • The Proponent has indicated that the proposal would not result in any changes to the physical structure of Unit 2, and as a result, flooding behaviour would not change as a result of the proposal. • However in relation to potential off-site pollution issues, the Proponent has indicated that as Unit 2 is bunded and designed for "wet type" activities, any potential risks of off-site pollution would be minimal. • Notwithstanding, the Proponent has indicated that similar to Unit 1, it proposes to implement specific flood management measures as part of the sites emergency management plan. • The plan includes procedures to ensure all waste is contained or diverted from site to prevent spills/overflows/pollution. • The Department has recommended that the Proponent implement these measures as part of the preparation of a Flood Management Plan to the satisfaction of Council. • As such, the Department is satisfied that, in case of flood, the site would be managed appropriately. 	<p>Recommended conditions require the Proponent to:</p> <ul style="list-style-type: none"> • Prepare a Flood Management Plan, to the satisfaction of Council, prior to commencement of operations.
BCA	
<ul style="list-style-type: none"> • Council raised concerns over whether Unit 2 was compliant with the relevant provisions of the Building Code of Australia, particularly given that Unit 1 currently connects internally with Unit 2 through an opening in a common wall. • Council was also concerned over the apparent reliance of Unit 2's on Unit 1's office and toilet facilities. • In response to these concerns, the Department sought further clarification from the Proponent. • No Fuss provided advice from an accredited certifier who advised that the common wall opening between the two units raised no compliance issues with the BCA. • The Department provided this additional information to Penrith Council who raised no further concerns. • Notwithstanding, the Department has recommended a number of specific conditions which require the Proponent to demonstrate that all aspects of the proposal comply with the BCA prior to the commencement of operations on the site. 	<p>Recommended conditions require the Proponent to:</p> <ul style="list-style-type: none"> • engage a qualified certifier to demonstrate that the site's buildings and structures comply with the relevant requirements of the BCA; and • ensure that Unit 2 contains appropriate amenities and offices for operation of the Project, should the Proponent cease to lease Unit 1 at 10 Smith Street.

6. CONCLUSION

The Department has assessed the merits of the project having regard to the objects of the EP&A Act and the principles of ecologically sustainable development. This assessment has concluded that with the implementation of the recommended conditions of approval, the impacts of the project can be mitigated and/or managed to ensure an acceptable level of environmental performance.

While a resident is located near the facility, the site is predominantly surrounded by other industrial and commercial development.

While the Department acknowledges concerns raised by surrounding businesses and Council about potential odour impacts, these concerns would appear to have primarily been raised due to the Proponent's current operations in handling and treating septic related waste. The Department considers that while these issues have been raised about the current operation, it is satisfied that any odour issues associated with the Unit 2 proposal would be minimal given oily liquid waste is less odourous. Notwithstanding, the Department has recommended a number of stringent conditions to ensure odour emissions are adequately managed, including the need for the Proponent to undertake a 3 month performance verification trial to ensure the proposed treatment technology and odour control measures adequately control any emissions.

In addition, the Department is satisfied that the traffic, air quality, noise and other impacts of the project can be adequately managed through the Proponent's management measures and conditions of approval.

The Department recognises the importance of the liquid waste facility in increasing the recovery of reusable components from liquid waste. The project is also consistent with the strategic direction for waste management in NSW.

Consequently, the Department believes that the project is in the public interest, and should be approved subject to conditions.

7. RECOMENDATION

It is RECOMMENDED that the Acting Deputy Director-General:

- **consider** the findings and recommendations of this report;
- **approve** the project application, subject to conditions, under section 75J of the *Environmental Planning and Assessment Act 1979*; and
- **sign** the attached project approval (see Appendix E).

Chris Ritchie
Manager – Industry

Heather Warton
Acting Executive Director

Chris Wilson
Acting Deputy Director-General

APPENDIX A ENVIRONMENTAL ASSESSMENT

APPENDIX B SUBMISSIONS

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Section 75(2) of the *Environmental Planning and Assessment Act 1979* requires that reference be made to the provisions of any environmental planning instrument that would (but for Part 3A of the Act) substantially govern the carrying out of the project. Consideration of the proposed development in the context of the objectives and provisions of the relevant environmental planning instruments is provided below.

Penrith Local Environmental Plan 1996 (Industrial Land) (as in force at the time of lodgement),

The Penrith Local Environment Plan 1996 (Industrial Land) (LEP) provides development controls for development in the Industrial zones of the Penrith local government area. The project is located on land zoned 4(a) General Industrial.

The objectives of the General Industrial zone include:

- (i) to encourage a diversity of industrial employment generating activities, and
- (ii) to promote development which observes responsible, and environmentally sound, management practices, and
- (iii) to promote development which makes efficient use of industrial land.

The Project meets these objectives being a waste management facility that would operate in an existing industrial unit. The Department's assessment has identified that the Project would be operated in an environmentally sound manner to ensure potential impacts are minimised.

The Department is satisfied that the proposed project is consistent with the objectives of the above zone.

State Environmental Planning Policy 33 Hazardous and Offensive Development

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

APPENDIX E RECOMMENDED CONDITIONS OF APPROVAL
