

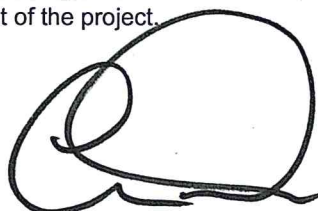
# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Chris Wilson  
Acting Deputy Director-General  
Development Assessment and  
Systems Performance

Sydney

30 October

2012

### SCHEDULE 1

<b>Application No:</b>	10_0077
<b>Proponent:</b>	No Fuss Liquid Waste Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 330 DP 575290, 10-12 Smith Street, Emu Plains
<b>Project:</b>	No Fuss Oily Liquid Waste Treatment Project

## DEFINITIONS

BCA	Building Code of Australia
Council	Penrith City Council
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department or his nominee
EA	Environmental Assessment titled <i>Environmental Assessment for No Fuss Liquid Waste Pty Ltd</i> , dated September 2010
EMP	Environmental Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; Assessment Regulation 2000</i>
EPA	Environmental Protection Authority
Full Operation	Receipt and processing of oily liquid waste following the successful completion of the performance verification trial.
J120 Waste	Oil/hydrocarbons mixtures/emulsions in water as defined by the EPA's waste code
Minister	Minister for Planning and Infrastructure
Operation	Receipt and processing of oily liquid waste (includes the performance verification trial period)
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	The development as described in the EA
Proponent	No Fuss Liquid Waste Pty Ltd
Reasonable and feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RTS	<i>Submissions Report For No Fuss Liquid Waste Pty Ltd</i> dated June 2012
Site	Land to which the project application applies
Statement of Commitments	The proponent's commitments in the EA

## **SCHEDULE 2**

### **ADMINISTRATIVE CONDITIONS**

#### **Obligation to Minimise Harm to the Environment**

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Project.

#### **Terms of Approval**

2. The Proponent shall carry out the Project generally in accordance with the:
  - a) EA;
  - b) RTS;
  - c) statement of commitments (see Appendix 2); and
  - d) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

#### **Limits of approval**

5. Nothing in this approval allows for the operation of a waste processing facility within Unit 1.
6. The Proponent shall only receive, store, treat, process or reprocess waste classified as J120 waste at the site.
7. The Proponent shall ensure that Project does not process more than 26,000 tonnes of J120 waste per annum and 100,000 litres of J120 waste per day.
8. This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.

#### **Performance Verification Trial**

9. Prior to the commencement of full operation, the Proponent shall undertake a Performance Verification Trial to demonstrate the suitability of the Project's technology. The Proponent shall:
  - undertake the trial over a continuous three (3) month period;
  - obtain an Environment Protection Licence (EPL) from the EPA prior to the commencement of the Trial;
  - conduct an Independent Odour Audit as outlined in Condition 8, Schedule 3; and
  - notify the Director-General and the EPA in writing of the commencement of the Trial and the conclusion of the Trial.
10. Within 1 month of the completion of the Performance Verification Trial, the Proponent shall prepare and submit to the satisfaction of the Director-General a Performance Verification Report. The Report shall include:
  - a) the outcomes of the Independent Odour Audit (refer to Condition 8, Schedule 3);
  - b) details of any complaints received during the trial;
  - c) a report on the volume of waste processed during the Trial;
  - d) details on the performance of the odour control measures;
  - e) analysis on the performance of the Project to treat the waste; and
  - f) details of any contingency measures should any performance issues be identified.

Should the results of the Trial indicate that the Project's technology is not operating as approved, the Director-General may require the Proponent to implement additional measures, in consultation with the EPA, to address and performance issues.

### **Structural Adequacy**

11. Prior to the commencement of operation, the Proponent shall provide a report from a principal certifying authority (PCA) demonstrating that the site's buildings and structures comply with the relevant requirements of the BCA and relevant fire safety requirements, to the satisfaction of the Director-General.

*Note: This report shall identify any non-compliances with the BCA and provide details of measures that would be implemented to address these non-compliances.*

12. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

*Notes:*

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the Project.

13. The Proponent shall ensure that appropriate amenities and offices are provided in Unit 2 for the operation of the Project, should the Proponent cease to lease or operation from Unit 1 10 Smith Street.

### **Operation of Plant and Equipment**

14. The Proponent shall ensure that all plant and equipment used on the site is maintained and operated in an efficient manner, and in accordance with relevant Australian Standards.

### **Management Plans/Monitoring Programs**

15. With the approval of the Director-General, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis.



## SCHEDULE 3

### SPECIFIC ENVIRONMENTAL CONDITIONS

#### WASTE

##### Restrictions on the Receipt, Storage, Handling of Waste

1. The Proponent must not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal of at the site, except with the approval of the Director-General and as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.
2. The Proponent must prepare and implement a Waste Management Plan to the satisfaction of the Director-General. The plan must:
  - a) be submitted to the Director-General for approval prior to commencement of operation; and
  - b) include auditable procedures to:
    - to ensure that the site does not accept wastes that are prohibited;
    - screen incoming waste loads; and
    - ensure staff receive adequate training in order to be able to recognise and handle hazardous or other unapproved wastes.

##### Waste Disposal

3. The Proponent shall ensure that all waste generated on the site during the project is classified in accordance with the DECCW's *Waste Classification Guidelines* and transported to a treatment facility that may lawfully accept the waste.

#### AIR QUALITY

##### Offensive Odours

4. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

##### Odour Controls

5. Prior to commencement of operation the Proponent shall ensure that the odour treatment system is designed and installed in accordance with the recommendations in SEMF's memorandum dated 2 October 2011.
6. Prior to commencement of operation, the Proponent shall:
  - a) fully enclose the delivery pit, holding tank, oil water separator, storage tank and pH control, sludge tank, DAF unit; and
  - b) seal any gaps/voids in external walls, roof structure and between wall and roof.

##### Odour Management Plan

7. The Proponent shall prepare and implement an Odour Management Plan to the satisfaction of the Director-General. This plan must:
  - a) be prepared in consultation with the EPA by a suitably independent, qualified and experienced expert;
  - b) be submitted to the Director-General for approval within 1 month from the date of this approval;
  - c) describe the measures that would be implemented on site to minimise the odour impacts of the Project, such as keeping building doors closed at all times;
  - d) identify triggers for contingency action; and
  - e) include a program for monitoring the odour impacts of the Project.

##### Odour Management Audit

8. As part of the three month Performance Trial and then as directed by the Director-General, the Proponent shall commission and pay the full cost of an Independent Odour Audit of the Project. This audit must:
  - a) be prepared in consultation with the EPA by a suitably qualified, experienced and independent expert whose appointment has been endorsed by the Director-General;
  - b) assess the effectiveness of the odour controls on site in protecting receivers against offensive odours;
  - c) review the Proponent's production data (that are relevant to the odour audit) and complaint records;

- d) review the effectiveness Odour Management Plan for the Project and advise whether any changes to the Plan is considered necessary;
  - e) determine whether the Project is complying with condition 4 above and, if necessary,
  - f) recommend whether additional measures are required to minimise the odour emissions of the Project.
9. Within 2 weeks of this Audit being completed, or in a timeframe as otherwise agreed to by the Director-General, the Proponent shall submit a copy of the Audit report to the EPA and the Director-General together with an action plan demonstrating how the findings of the Audit are to be implemented.

#### Dust

10. The Proponent shall implement all reasonable and feasible measures to minimise dust generated at the site.

#### NOISE and VIBRATION

11. The Proponent shall comply with the operation hours in Table 1, unless otherwise agreed by the Director-General.

*Table 1 Operation Hours for the Project\**

Activity	Day	Time
Waste receipt	7 days a week	6:00am to 6:00pm
Waste processing	Monday – Friday	8:00am to 6:00pm
	Saturday, Sunday and Public Holidays	Nil
Emergency waste Receipt	Anytime	

*Note This condition does not apply under direction from a relevant authority for safety reasons, or in the event of an emergency where works are required to avoid the loss of lives, property and/or to prevent environmental harm.*

12. The Proponent shall ensure that noise generated by the project complies with the noise criteria in table 2:

*Table 2 Project Noise Limits*

Location	Day	Evening	Night
	L <sub>eq</sub> (PERIOD) dB(A)		
Nearest receivers	65	55	50

*Note: Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy.*

#### SOIL AND WATER

13. The Proponent shall ensure that section 120 of the *Protection of the Environment Operations Act 1997* (prohibition of pollution of waters) is complied with in and in connection with the carrying out of the Project.
14. The Proponent shall prepare and implement a Flood Management Plan, to the satisfaction of Council, the plan must:
- a) be submitted to Council prior to commencement of operation;
  - b) include an evacuation plan;
  - c) demonstrate the measures to be taken to minimise the risk of flood damage to property and equipment; and
  - d) procedures to ensure all waste is contained to prevent pollution incidents during flood events.

#### Water Infrastructure

15. Prior to the commencement of operation, the Proponent shall design and construct:
- a) an extension to the available 100 mm water main on the eastern side of Smith Street; and
  - b) an extension to the available 225 mm wastewater main in Smith Street.



to the satisfaction of Sydney Water.

## **SITE OPERATION**

### **Fire Management**

16. The Proponent shall:
- a) implement suitable measures to minimise the risk of fire on the site;
  - b) extinguish any fires on the site promptly; and
  - c) maintain adequate fire-fighting capacity on the site.

### **Hazards**

17. The Proponent shall ensure that all dangerous goods and hazardous substances are stored and handled on the site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*.

### **Bunding**

18. The Proponent shall store all chemicals, fuels and oils used on the site in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund, unless double-skinned tanks are used. Any bunds shall be designed and installed in accordance with the requirements of all relevant Australian Standards, and/or DECCW's *Storage and handling liquids: Environmental Protection – Participant's Manual*.

### **Signage**

19. The Proponent shall not install any advertising signs on the site without the written approval of the Director-General.

## **TRANSPORT**

20. The Proponent shall ensure that:
- a) car parking is constructed in accordance with the relevant requirements of the latest version of AS 2890.1;
  - b) vehicles associated with the Project do not use adjacent driveways to access or egress the site at any time;
  - c) vehicles associated with the Project do not park or queue on the public road network at any time; and
  - d) all vehicles enter and leave the site in a forward direction.
21. Prior to commencement of operation, the Proponent shall seal the front setback area to enable its use for heavy vehicles movements, to the satisfaction of the Council.
22. Prior to any vehicle exceeding 9 metres in length accessing the site, the Proponent shall provide an independent traffic report from an appropriately qualified traffic engineer which demonstrates that longer vehicles can access and egress the site in a forward direction, without reliance on neighbouring driveways, to the satisfaction of the Director-General.

## **SCHEDULE 4**

### **ENVIRONMENTAL MANAGEMENT and REPORTING**

#### **ENVIRONMENTAL MANAGEMENT**

##### **Environmental Management Strategy**

1. The Proponent shall prepare and implement an Environmental Management Strategy for the Project to the satisfaction of the Director-General. The Strategy must:
  - a) be submitted to the Director-General for approval prior to the commencement of operation;
  - b) provide the strategic framework for environmental management of the Project;
  - c) identify the statutory approvals that apply to the Project;
  - d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Project;
  - e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the Project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the Project;
    - respond to any non-compliance; and
    - respond to emergencies;
  - f) include:
    - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
    - a clear plan depicting all the monitoring currently being carried out within the Project area.

##### **Management Plan Requirements**

2. The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
  - a) detailed baseline data;
  - b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria; and
    - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Project or any management measures;
  - c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - d) a program to monitor and report on the:
    - impacts and environmental performance of the Project;
    - effectiveness of any management measures (see c above);
  - e) a contingency plan to manage any unpredicted impacts and their consequences;
  - f) a program to investigate and implement ways to improve the environmental performance of the Project over time;
  - g) a protocol for managing and reporting any:
    - incidents;
    - complaints;
    - non-compliances with statutory requirements; and
    - exceedances of the relevant limits and/or performance measures / criteria; and
  - h) a protocol for periodic review of the plan.

##### **Review**

3. One year after the commencement of operations, and every three years thereafter, the Proponent shall review the environmental performance of the Project to the satisfaction of the Director-General. This review must:
  - a) describe the operations that were carried out in the past year;
  - b) analyse the monitoring results and complaints records of the Project over the past year, which includes a comparison of these results against the
    - relevant statutory requirements, limits or performance measures/criteria;
    - monitoring results of previous years; and
    - relevant predictions in the EA;
  - c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;



- d) identify any trends in the monitoring data over the life of the Project; and
- e) describe what measure will be implemented over the next year to improve the environmental performance of the Project.

#### **Revision of Plans & Programs**

- 4. Within 3 months of the submission of an:
  - a) incident report under condition 5 of schedule 4; and
  - b) three yearly review under condition 3 of schedule 4,the Proponent shall review, and if necessary revise the plans and programs required under this approval to the satisfaction of the Director-General.

*Note: This is to ensure the plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.*

#### **REPORTING**

##### **Incident**

- 5. The Proponent shall notify the Director-General and any other relevant agencies of any incident associated with the Project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

**APPENDIX 1**  
**PROPONENT'S STATEMENT OF COMMITMENTS**

## 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