J.J.Richards & Sons Pty Ltd

Total Waste Management

# S.4.55 Modification of consent (SSD 6767) for

# Glendenning Liquid Waste Treatment Facility at 14 Rayben Street, Glendenning

**June 2019 V1.1**

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# 1 Executive Summary

This Report and supporting information are provided for the assessment of a **Modification of Consent** pursuant to s.4.55 of the *Environmental Planning and Assessment Act 1979* for the *Glendenning Liquid Waste Treatment Facility* (SSD 6767) - operated by JJ Richards & Sons Pty Ltd and located at 14 Rayben Street, Glendenning NSW 2761 (Lot 123 DP 870988).

Currently, the site is approved to receive or process 42,000 tonnes of liquid organic waste and 10,000 tonnes of used oil / industrial oily water per calendar year.

The nature of the proposed modification of consent relates to seeking an amendment to the Consent / *Limits of Consent* - as contained in Condition A6 b) - to allow for an **increase in the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year**.

Importantly, the following salient points are noted in regard to seeking to increase the throughput for used oil / industrial oily water:

i. The proposed increase in throughputs does **not** result in any additional plant or equipment on site;

ii. The proposed increase in throughputs does **not** affect any of the processes or procedures on site, including the approved Operational Environmental Management Plan;

iii. **No changes** to organic waste throughputs (42,000 tonnes per annum) are proposed as part of this application;

iv. **No change** to operating hours or personnel is proposed as part of this application.

The existing Liquid Waste Treatment Facility is located on land owned by J.J. Richards & Sons Pty Ltd and currently zoned *IN1 General Industrial* under the *Blacktown Local Environmental Plan 2015* (BLEP 2015). Land adjacent to the east, west and south is zoned *IN1 General Industrial* (BLEP 2015), with the nearest residential land located to the north around 420m (Lamb Street) and to the east around 880m (Knox Road). Land directly to the north is zoned *SP2 Infrastructure* and is a drainage reserve.

Current approved activities at the existing Liquid Waste Treatment Facility include:

- Storing and treating grease trap waste that is liquid waste (K110 type waste) for aggregation and transport for beneficial reuse in the cultivation of feed crops on farms in the Sydney region;
- Storing and treating food waste that is liquid waste (K120 type waste) for aggregation and transport for beneficial reuse in the cultivation of feed crops on farms in the Sydney region;
- Storing used oil (J100 type waste) – including mineral oils unfit for their original intended use, oil filters, transformer fluids (excluding PCB's), waste

hydrocarbons for resource recovery, aggregation and transport to re-refining and other facilities for treatment and reuse;

- Storing and treating industrial oily water (J120 type waste – waste oil / hydrocarbons mixtures / emulsions in water).

The proposed modification has **no** effect on the above existing waste acceptance criteria or approved activities on site.

Since commissioning the Liquid Waste Treatment Facility, compliance with consent conditions has further been demonstrated to the Department via:

- Annual Environmental Management Reports;
- Annual Audit by MRA Environmental (May 2018);
- Odour Audit Report by Air Noise Environment (September 2018).

The reasons for the proposed modification of the consent are further summarised as follows:

- JJ Richards have been more successful than expected in attracting used oil / industrial oily water collection and consolidation at the facility;
- A number of other liquid waste (i.e. used oil / industrial oily water) transfer facilities in the region, which have traditionally operated as satellite collection and storage facilities, have recently ceased operations - owing primarily to safety and environmental issues - resulting in the need to accommodate increase throughputs to the site that otherwise was not originally anticipated;
- Increased operating efficiencies onsite, since operations commenced, has resulted in increased capacity for throughputs of used oil / industrial oily water at the facility in the year to date - such that the 10,000 tonnes per annum limitation under Condition A6 b) will be **inadequate** to account for demand for future product throughputs.

In terms of s.4.55 of the *Environmental Planning and Assessment Act 1979*, this Report represents the provision of information required under Clause 115 of the Regulation, with the supporting information demonstrating that the development (as modified) will remain *substantially the same* development as the development for which consent was originally granted.

In support of the proposed modification of consent, the applicant has engaged consultants to assess the proposed change / increase in throughputs in regard to Traffic Impact Assessment (**Appendix 3**) and Air and Noise Assessment (**Appendix 4**). These reports have concluded that:

A. The proposed modification does not introduce any significant traffic or transport impacts that would preclude its approval – as discussed in **Section 5.2** and **Appendix 3** of this Report; and

B. The results of modelling indicate compliance with relevant NSW EPA air and noise criteria for the modified development, as discussed in **Section 5.3** and **Appendix 4** of this Report.

# 2 Background

The Minister for Planning issued a Development Consent for the Glendenning Liquid Waste Treatment Facility under *Section 89E of the Environmental Planning and Assessment Act 1979* on 11 January 2017 – Ref: SSD 6767 (**Appendix 1**).

Construction of the Facility commenced in April 2017 and a final Occupation Certificate was issued on 9 May 2018. The EPA additionally issued an Environment Protection Licence (EPL 21053) for the facility on 4 April 2018.

Activities at the approved facility currently include:

- Storing and treating grease trap waste that is liquid waste (K110 type waste) as defined in the *Protection of the Environment Operations Act 1997* (POEO Act) for aggregation and transport for beneficial reuse in the cultivation of feed crops on farms in the Sydney region;
- Storing food waste that is liquid waste (K120 type waste) as defined in the POEO Act for aggregation and transport for beneficial reuse in the cultivation of feed crops on farms in the Sydney region;
- Storing used oil (J100 type waste) – including mineral oils unfit for their original intended use, oil filters, transformer fluids (excluding PCB's), waste hydrocarbons for resource recovery, aggregation and transport to re-refining and other facilities for treatment and reuse;
- Storing and treating industrial oily water (J120 type waste – waste oil / hydrocarbons mixtures / emulsions in water). This treatment generally involves separating used oils, hydrocarbons and solids and discharging treated liquids as trade waste to Sydney Water's sewer system. The resultant used oil is stored for resource recovery, aggregation and transport to re-refining and other facilities for treatment;

Equipment for unloading, treatment, storing and loading of K110 liquid grease trap and K120 food waste is located within the Organic Waste Building.

Equipment for unloading, treatment, storing and loading of J100 used oil and J120 industrial oily water, is located within the Used Oil Roof Structure.

Liquid waste is collected in tankers from premises throughout Sydney and transported to the proposed facility for storage, resource recovery, aggregation and required treatment (organic waste only). Loading and unloading areas have external bunding and in-ground sumps for adequate spill control.

Hours of operation for the site are 4am to 9pm Monday to Saturdays (as approved per Condition B17), with the office component operating from 7am to 6pm Monday to Saturdays. The nature of the waste management industry however necessitates works outside of these hours, including vehicles leaving and returning to the site, occurring.

Key attributes of the existing facility include:

- All receival, treatment and load out operations is undertaken within buildings;
- Loading areas have external bunding and inground sumps for adequate spill control;
- All storage tanks and treatment equipment are within bunded tank farms;
- There are significant buffer distances from the proposed development to residences;

# 3 Site Details

## 3.1 Location

The site is located at 14 Rayben Street Glendenning (refer **Figures 3.1** and **3.2**) and described as Lot 123 DP 870988 (formerly Lots 1-3 DP802117) Parish of Rooty Hill County of Cumberland (**Figure 3.3**) and has an area of 7,214 $m^2$.

The site is encumbered by a 2.5m wide drainage easement along part of the northern boundary of the site.

## 3.2 Tenure

The site has been owned by J.J. Richards & Sons Pty Ltd since 2007.

## 3.3 Site History

A development application was determined in November 1993 for a truck maintenance workshop, truck holding yard and ancillary offices on the site (Ref: DA-93-263 and BA-93-4570). This was then occupied by Stevensons Transport. In July 1997, a further development application was determined for an above ground diesel tank (Ref: IA-97-3020).

J.J. Richards purchased the site in 2007 and continued to operate a truck maintenance workshop, truck holding yard and ancillary offices on the site. There are no fuelling operations on the site.

A Development Consent for the Glendenning Liquid Waste Treatment Facility under *Section 89E of the Environmental Planning and Assessment Act 1979* was issued on 11 January 2017 (SSD 6767).

Development consents (DA-93-263; BA-93-4570 and IA-97-3020) issued prior to the SSD 6767 approval were surrendered on 28 November 2017.

Construction of the Facility commenced in April 2017 and a final Occupation Certificate was issued on 9 May 2018.

EPA further issued an Environmental Protection Licence for the facility in April 2018.

## 3.4 Adjoining Land Uses

**Figure 3.2** is an aerial photo of the site (since development occurred in 2017/2018) and adjoining properties.

Land to the north of the site (across the drainage reserve) is industrial and warehousing.

The lot to the immediate west of the site is transport and warehousing complex, whilst the lot to the south-west of the site across the Rayben Street cul-de-sac is used for the storage of scaffolding.

J.J. Richards & Sons Pty Ltd also own and operate a maintenance workshop, truck holding yard and ancillary offices opposite this site at 7-11 Rayben Street.

Transpacific Industries operate a waste management facility to the immediate east of the site whilst Earthworks Australia (a demolition contractor) occupies the lot further to the east.

Warehousing and industrial activities are undertaken to the southeast on the opposite side of Rayben Street.

The closest housing is approximately 420 metres to the north. There is also a buffer of some 900 metres to the closest housing to the east and west of the site.

# 4 Infrastructure and Operations

## 4.1 Existing Infrastructure

Existing infrastructure on the site is described in **Sections 4.1.1 to 4.1.5** below.

**There will be no changes to existing infrastructure as a result of the proposed modification to the Consent / Condition A6 b).**

### 4.1.1 Site Layout and Civil Works

The existing site layout is shown in **Construction Drawing RI456-10-02** and described below:

- Perimeter security fencing;
- Concrete pavement graded to the drainage field inlets which in turn drain to the drainage easement to the north of the site;
- 2 industrial driveways;
- Truck and car parking;
- Perimeter landscaping along the front and rear boundaries;
- A weighbridge;
- Stormwater treatment devices;
- Fire services;
- Electrical and water connections;

### 4.1.2 Office

The existing office is described below:

- 9.2 m x 21.3 m concrete block construction;
- Colorbond roof;
- 3 offices;
- Lunch rooms and amenities;

### 4.1.3 Organics Building

The Organics Building is shown in **Construction Drawings RI456-20-01 to 03, Photos 1 to 8** and described below:

- 20m x 26m x 8.5m eave height steel portal frame and colorbond walls plus 10m x 21m x 6m unloading bay annex and 10.5m x 28m x 6m loading bay annex;
- Motorised rotovents;
- Colorbond roof, translucent strips and insulation;
- Reinforced concrete floor, with epoxy coating;

- Bunded loading and unloading bays, including 75mm high driveover bunds and spill control sumps;
- 400mm high bunded tank farm (218m3 capacity);
- Electrically operated roller shutters;
- Amenities room and office;

### 4.1.4 Oil Storage Area

The Oil Storage Roof Structure is shown in **Construction Drawings RI456-20-05 to 07** and described below:

- 19m x 28.5m x 8.5m eave height steel portal frame and colorbond walls plus 10.5m x 20m x 6m loading and unloading bay annex;
- Colorbond roof and translucent strips;
- Reinforced concrete floor with epoxy coating;
- Bunded loading and unloading bay, including 75mm high driveover bunds and spill control sumps;
- 600mm high bunded tank farm (300m3 capacity) and 4m x 10m bunded pump area;

### 4.1.5 Plant and Equipment

**Grease Trap Waste Treatment**

The existing plant and equipment used for grease trap waste treatment is presented as **Construction Drawings OT703333-1001-PFC/ A and OT703333-1011-LAY/ G,** and **Photos 1 to 8** and described below:

- Solids strainer;
- Pumps;
- 3 x 50 kL Tanks (Receival);
- 1 x 120 kL Tank (Process Water Balance);
- 3 x 50 kL Tanks (Sludge);
- 1 x 35 kL Tank (Lime);
- 1 x 10 kL Tank (Caustic);
- Carbon filter;
- Dissolved Air Flotation (DAF) unit*;
- DAF sealed enclosure;
- Associated pipework and valves;

Key aspects of a Dissolved Air Flotation (DAF) unit include:

- Feed water may be dosed with a coagulant (such as ferric chloride or aluminium sulfate) to flocculate the suspended matter;
- A portion of the clarified effluent water leaving the DAF tank is then pumped into a small pressure vessel (called the air drum) into which compressed air is also introduced. This results in saturating the pressurized effluent water with air;
- The air-saturated water stream is recycled to the front of the float tank and flows through a pressure reduction valve just as it enters the front of the float tank. This results in the air being released in the form of tiny bubbles;
- The bubbles adhere to the suspended matter, causing the suspended matter to float to the surface and form a froth layer which is then removed by a skimmer;
- The froth-free water exits the float tank as the clarified effluent from the DAF unit;

**Liquid Food Waste Storage**

Existing plant and equipment for the food waste facility is presented as **Construction Drawing OT703333-1011-LAY/ G** and described below:

- Solids strainer;
- Pumps;
- 1 x 50 kL Tank (Receival);
- 1 x 50 kL Tank (Loadout);
- Associated pipework and valves;

**Used Oil Storage**

Existing plant and equipment for the used oil facility is presented as **Construction Drawings OT703333-2001-PFC and OT703333-2101-LAY** and described below:

- Solids strainer;
- Pumps;
- 7 x 60 kL Tanks (Oil Receival);
- 2 x 120 kL Tanks (Finished Oil);
- 2x 60 kL Tanks (Oily Water Storage);
- 1 x 30 kL Self Bunded Tank (Non-Compliant Product);
- Associated pipework and valves;

All used oil tanks and equipment have been constructed to comply with *AS1940 The storage and handling of flammable and combustible liquids*.

**Industrial Oily Water Treatment**

Existing plant and equipment proposed for the industrial oily water facility is presented as **Construction Drawing OT703333-2101-LAY** and described below:

- Strainer;
- Pumps;
- 2 x 60 kL Tanks;
- Dissolved Air Flotation (DAF) unit*(future);
- Associated pipework and valves;

All industrial oily water tanks and equipment have been constructed to comply with *AS1940 The storage and handling of flammable and combustible liquids.*

**There will be no changes to existing infrastructure as a result of the proposed modification to the Consent / Condition A6 b).**

## 4.2 Existing and Proposed Operations

### 4.2.1 Overview

**Truck and Car Parking**

Parking is available on the site for cars on the concrete pavement. Truck parking is also available within the loading and unloading bays. All vehicles enter the site via a driveway to the east and leave the site via the existing industrial driveway (refer **Construction Drawing RI456-10-02)**.

**There will be no changes to truck and car parking as a result of the proposed modification to the Consent / Condition A6 b).**

**Administration**

The existing office and amenities building (refer **Construction Drawing RI456-10-02**) is used to accommodate managerial and administration personnel as well as providing amenities for personnel working on or from the site.

**There will be no changes to administration activities as a result of the proposed modification to the Consent / Condition A6 b).**

**Bin Storage**

Bin and container storage is undertaken on the concrete pavement.

**There will be no changes to bin storage activities as a result of the proposed modification to the Consent / Condition A6 b).**

### 4.2.2 Waste Volumes

Existing approved and **proposed** annual waste volumes are provided below:

**Existing Approved Volumes**

| Material | Receipts (tonnes) | Discharges (tonnes) | |
|---|---|---|---|
| | By Vehicle | By Vehicle | To Sewer |
| Liquid Organic Waste | 42,000 | 14,700 | 27,300 |
| Used Oil/Industrial Oily Water | 10,000 | 10,000 | - |

**Proposed Volumes**

| Material | Receipts (tonnes) | Discharges (tonnes) | |
|---|---|---|---|
| | By Vehicle | By Vehicle | To Sewer |
| Liquid Organic Waste | 42,000 | 14,700 | 27,300 |
| Used Oil/Industrial Oily Water | **20,000** | **20,000** | - |

**The above proposed increase in used oil/industrial oily water is the reason for seeking the proposed modification.**

### 4.2.3 Traffic Volumes

Existing and **proposed** forecast one-way annual traffic movements to the site are provided below:

| | Existing | Proposed |
|---|---|---|
| Truck Parking | 3,640 | 3,640 |
| Organics Tankers – Inwards | 3,400 | 3,400 |
| Oil Collection Vehicles - Inwards | 1,393 | 2,786 |
| Sludge Tankers - Outwards | 1,320 | 1,320 |
| Oil Tankers - Outwards | 215 | 430 |
| **Total Trucks** | **9,968** | **11,576** |
| Car Parking – Truck Drivers | 3,640 | 3,640 |
| Car Parking – Other | 2,080 | 3,120 |
| **Total Cars** | **5,720** | **6,760** |
| **Total Vehicles** | **15,688** | **18,336** |

**An assessment of the resulting increase in traffic generation from the increased throughput of used oil/industrial oily water has been considered in the submitted Traffic Impact Assessment (Appendix 3).**

### 4.2.4 Operating Hours

Existing operations occur within the following hours:

| Activity | Hours |
|---|---|
| Truck movements to and from the site | 4am to 9pm Monday to Saturday |
| Office | 7am to 6pm Monday to Saturday |

The nature of the waste management industry however necessitates works outside of these hours, including vehicles leaving and returning to the site, occurring.

**There will be no changes to approved operating hours as a result of the proposed modification to the Consent / Condition A6 b).**

### 4.2.5 Staffing Levels

Staffing levels at the existing site include:

- Truck drivers – up to 14;
- Administration/Waste Treatment – up to 12;

**There will be no changes to staffing hours as a result of the proposed modification to the Consent / Condition A6 b).**

### 4.2.6 Grease Trap Waste

**Acceptance Criteria**

Waste acceptance criteria includes wastes as defined in the POEO Act, in force from time to time including grease trap waste that is liquid waste (K110 type waste);

**Delivery and Unloading Method**

Waste is delivered in collection tankers of up to 24,000 L capacity. Initially, collection vehicles drive into the unloading bay (which is bunded) within the Organics Building (refer **Construction Drawings RI456-20-01 to 03 and Photos 1 to 8**);

- Vehicles and equipment undergo a series of pre-start and completion checks;
- They then discharge by pump through a static strainer into a Receival Tank;
- Expressed air passes through an activated carbon filter prior to discharge into the atmosphere within the building;
- Following unloading, vehicles drive out of the unloading bay;

If the waste does not comply with the licensed acceptance criteria, the waste is not to be accepted and returned to the client or to an appropriately licensed facility.

If an odorous load is received, work procedures are in place to minimise any potential impact. These include:

- Shutting any open doors;
- Dousing the load with an odour neutraliser;
- Identifying the waste source and investigating;

If required, all future loads from this source are either pre-treated (at the source) or diverted to another waste facility.

**Treatment Method**

An Organics Treatment Flowchart is provided in **Construction Drawings OT703333-1001-PFC/A** and described below:

- After settling for 10 minutes, the liquid waste is transferred (by pumps) to the Process Water Balance Tank, where a lime and coagulant is added to facilitate the separation of liquids;
- Sludge from the Process Water Balance Tank is then transferred by pumps to one of the Sludge Tanks;
- Flocs in the Process Water Balance Tank are removed to one of the Sludge Tanks, whilst water is pumped at approximately 10,000 L per hour into the Dissolved Air Flotation (DAF) System;
- The chemical mix tank / reaction chamber of the DAF incorporates pH correction, whilst the floatation / dissolved air chamber further removes solids and sludges;
- These sludges are transferred to one of the Sludge Tanks; whilst the treated effluent flows to a water drop tank from which it can be tested and discharged to sewer;
- All tanks are vented to an appropriately sized carbon filter; expressed air passes through an activated carbon filter prior to discharge into the atmosphere in the building;
- The DAF is fully enclosed within a sealed room and vents to the carbon filter;
- Sludge from Sludge Tanks are removed for disposal;

If the waste does not comply with the licensed acceptance criteria, the waste is not to be accepted and returned to the client or to an appropriately licensed facility.

If an odorous load is received, work procedures are in place to minimise any potential impact. These include:

- Shutting any open doors;
- Dousing the load with an odour neutraliser;

- Identifying the waste source and investigating;

If required, all future loads from this source would be either pre-treated (at the source) or diverted to another waste facility.

**Spill Containment**

Spill containment measures are shown in **Construction Drawing RI456-20-01**.

Unloading activities of liquid waste are undertaken in the unloading bay, which is enclosed, and has a bunded concrete floor which drains to two blind sumps. Any liquids from the inground sumps are transferred to the process tanks for treatment.

Loading activities of waste (sludge) are undertaken in the loading bay, which is enclosed, and has a bunded concrete floor which drains to blind sumps. Any liquids from the inground sumps are transferred to the process tanks for treatment.

All treatment equipment and chemicals / additives are located within the 400mm high tank farm (with a capacity approximately 218m3) within the buildings. Such also drain to a blind sump and any liquids from the inground sumps are transferred to the process tanks for treatment.

**Disposal – Liquid**

Trade waste discharges result from the treatment of grease trap wastes. The discharge is in keeping with the quality limits determined by Sydney Water, with monitoring and verification as required by that Authority.

Sydney Water confirmed on 30 April 2015 that the receiving sewer at the proposed Glendenning site has the capacity to accept the requested max 180 kL/day discharge, at a maximum instantaneous rate of 5 litres/second.

**Disposal – Sludges**

Sludges are removed in tankers and beneficially reused for the cultivation of feed crops on farms in the Sydney region. The Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (the Treated Grease Trap Waste Exemption 2014) exempts a consumer of treated grease trap waste from certain requirements under the POEO Act and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption is conditional on compliance to the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (the Treated Grease Trap Waste Order 2014). A sampling plan (as required in the above order) for sludges prior to application to land has been developed by SESL Australia.

**There will be no changes to grease trap waste acceptance criteria, delivery or unloading methods, treatment, spill containment or disposal methods as a result of the proposed modification to the Consent / Condition A6 b).**

### 4.2.7 Liquid Food Waste

**Acceptance Criteria**

Waste acceptance criteria include wastes as defined in the POEO Act, in force from time to time including food waste that is liquid waste;

**Delivery and Unloading Method**

Waste is delivered in collection tankers of up to 24,000 L. Initially, collection vehicles drive into the bunded unloading bay within the Organics Building (refer **Construction Drawings RI456-20-01 to 03**);

- Vehicles and equipment undergo a series of pre-start and completion checks;
- They then discharge by pump through a static strainer into a Receival Tank;
- Expressed air passes through an activated carbon filter prior to discharge into the atmosphere within the building;
- Following unloading, vehicles drive out of the unloading bay;

If the waste does not comply with the licensed acceptance criteria, the waste is not to be accepted and returned to the client or to an appropriately licensed facility.

If an odorous load is received, work procedures are in place to minimise any potential impact. These include:

- Shutting any open doors;
- Dousing the load with an odour neutraliser;
- Identifying the waste source and investigating;

If required, all future loads from this source would be either pre treated (at the source) or diverted to another waste facility.

**Aggregation and Transfer Method**

Liquid food waste handling operations proposed infrastructure) are described below:

- Liquid waste is transferred (by pumps) to one of the two Receival/Storage tanks;
- All tanks are vented to an appropriately sized carbon filter;
- Expressed air passes through an activated carbon filter prior to discharge into the atmosphere;

If an odorous load is received, work procedures are in place to minimise any potential impact. These include shutting any open doors; dousing the load with an odour neutraliser; identifying the waste source and investigating.

**Disposal Destination**

Liquid food waste is removed in tankers and beneficially reused for the cultivation of feed crops on farms in the Sydney region. The Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (the Liquid Food Waste Exemption 2014) exempts a consumer of liquid food waste from certain requirements under the POEO Act and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption is conditional on compliance to the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (the Liquid Food Waste Order 2014).

**Spill Containment**

Spill containment measures are shown in **Construction Drawing RI456-20-01**.

Unloading activities of liquid waste are undertaken in the unloading bay, which is enclosed, and has a bunded concrete floor which drains to two blind sumps. Any liquids from the inground sumps are transferred to the process tanks for treatment.

Loading activities of waste (sludge) are undertaken in the loading bay, which is enclosed, and has a bunded concrete floor which drains to blind sumps. Any liquids from the inground sumps are transferred to the process tanks for treatment.

All treatment equipment and chemicals / additives are located within the 400mm high tank farm (with a capacity approximately 218m3) within the buildings. Such also drain to a blind sump and any liquids from the inground sumps are transferred to the process tanks for treatment

**There will be no changes to liquid food waste acceptance criteria, delivery or unloading methods, aggregation or transfer methods, disposal or spill containment as a result of the proposed modification to the Consent / Condition A6 b).**

### 4.2.8 Used Oil

**Acceptance Criteria**

Waste acceptance criteria for the used oil resource recovery and aggregation facility includes waste lubricating oil, oil water emulsions and oily water. Used oil containing polychlorinated biphenyls (PCBs) and radioactive materials is not accepted. Used oil with a flash point lower than 61ºC is also not be accepted.

**Delivery and Unloading Method**

Used oil is delivered in collection tankers of up to 15,000 L capacity. Used oil delivery and unloading operations are described below:

- Drivers make a preliminary assessment of oils prior to loading eg uncharacteristic odour, colour, viscosity etc;

- If uncertain, the driver notifies the Supervisor for directions;
- Upon arrival at the site, collection vehicles drive into the bunded unloading and loading bay within the Oil Storage Area (refer **Construction Drawings RI456-20-05** to **07**);
- A representative sample of used oil is initially taken from the collection vehicle;
- If used oil meets acceptance criteria (<61ºC by a flash test), commence the unloading process;
- If used oil does not meet acceptance criteria, the Supervisor is notified for directions;
- These directions will be to unload the load into in the 30 kL non-compliant product tank to the north of the Oil Storage Roof Structure OR to remove the load to another appropriately licenced site;
- Vehicles and equipment undergo a series of pre-start checks, including tanks, valves, filters and flexible pipework;
- Used oil is then pumped into a Receival Tank and water allowed to separate (by gravity);
- Vehicles and equipment undergo a series of completion checks, including tanks, valves, filters and flexible pipework;
- All details of unloading are recorded;
- Following unloading vehicles drive out of the unloading and loading bay;

If the waste does not comply with the licensed acceptance criteria, the waste is not to be accepted and returned to the client or to an appropriately licensed facility.

**Aggregation and Transfer Method**

Industrial oily water is stored as follows (refer **Construction Drawings RI456-20-05 to 07 and OT703333-2101-LAY**):

| Material | Class / Package Group | UN Number | No of Containers / Packages | Quantity of Containers/ Packages | Amount | Location/Safety Measures |
|---|---|---|---|---|---|---|
| Used Oil | C1 | 1071 | 2 | 120,000 L | 240,000 L | Vertical steel tanks to AS1692 and AS1940 |
| Used Oil | C1 | 1071 | 7 | 60,000 L | 420,000 L | Vertical steel tank to AS1692 and AS1940 |
| Non-compliant liquids | - | - | 1 | 30,000 L | 30,000 L | Vertical steel tanks to AS1692 and AS1940 |

Used oil aggregation and transfer operations are described below:

- Water is removed from the Receival Tank to an Oily Water Tank (within the same bunded compound);
- The tanks are inter-connected by a network of pipes and valves so they are able to be used individually or in banks of two or more tanks as determined from time to time by the liquid type and the chosen destination;
- Used oil from the Receival Tank is then transferred to a Storage Tank;
- Used oil from Storage Tanks is reloaded into larger vehicles for transport to appropriately licensed facilities;
- Oily water is also reloaded into larger vehicles for transport to appropriately licensed facilities for treatment and reuse;
- Upon arrival at the site, line haul vehicles drive into the unloading and loading bay (which is bunded) within the Oil Storage;
- Line haul vehicles and equipment undergo a series of pre-start and completion checks, including tanks, valves, filters and flexible pipework;
- Following loading, vehicles drive out of the unloading bay;

A Used Oil Flowchart is provided in **Construction Drawing OT703333-2001-PFC.**

**Disposal Destinations**

Where possible used oil is transported to the Southern Oil Re-refinery at Wagga Wagga.

Decanted water is transported to an appropriately licenced facility for further treatment.

**Spill Containment**

Spill containment measures are shown in **Construction Drawing OT703333-2101-LAY**.

Unloading and loading activities of liquid waste are undertaken in the unloading and loading bay, which is roofed, and has a bunded concrete floor which drains to blind sumps. Any liquids from the inground sumps is transferred to the process tanks for treatment and disposal.

All treatment equipment and chemicals / additives are located within the 600mm high tank farm (with a capacity of approximately 300m3) within the buildings. Such also drains to a blind sump and any liquids from the inground sumps is transferred to the process tanks for treatment and disposal.

**The change to throughput (10,000 tonnes per annum to 20,000 tonnes per annum for used oil / industrial oily water) for used oil waste will not result in changes to used oil waste acceptance criteria, delivery or unloading methods, aggregation or transfer methods, disposal destinations or spill containment.**

### 4.2.9 Industrial Oily Water

**Acceptance Criteria**

Waste acceptance criteria for industrial oily water includes washdown water and contaminated stormwater from commercial enterprises, vehicle washdown waters and other dirty waters. Industrial water containing polychlorinated biphenyls (PCBs) and radioactive materials are not accepted.

**Delivery and Unloading Method**

Industrial oily water is delivered in collection tankers of up to 15,000 L capacity. Industrial oily water delivery and unloading operations are described below:

- Drivers make a preliminary assessment of industrial oily water prior to loading eg uncharacteristic odour, colour, viscosity etc;
- If uncertain, the driver is to notify the Supervisor for directions;
- Upon arrival at the site, collection vehicles drive into the bunded unloading and loading bay within the Oil Storage Area (refer **Construction Drawings RI456-20-05** to **07**);
- Vehicles and equipment undergo a series of pre-start checks, including tanks, valves, filters and flexible pipework;
- Industrial oily water is then pumped into the Industrial Oily Water Tank and water allowed to separate (by gravity);
- Vehicles and equipment undergo a series of completion checks, including tanks, valves, filters and flexible pipework;
- All details of unloading are recorded;
- Following unloading vehicles drive out of the unloading and loading bay;

**Aggregation and Transfer Method**

Industrial oily water is stored as follows (refer **Construction Drawings RI456-20-05 to 07 and OT703333-2101-LAY**):

| Material | Class / Package Group | UN Number | No of Containers / Packages | Quantity of Containers/ Packages | Amount | Location/Safety Measures |
|---|---|---|---|---|---|---|
| Industrial Oily Water | C1 | | 2 | 60,000 L | 120,000 L | Vertical steel tanks to AS1692 and AS1940 |

Oily water aggregation and transfer operations are described below:

- Water is removed from the Used Oil Receival Tank to an Oily Water Tank (within the same bunded compound);

- The tanks are inter-connected by a network of pipes and valves so they are able to be used individually or in banks of two or more tanks as determined from time to time by the liquid type and the chosen destination;
- Oily water is also reloaded into larger vehicles for transport to appropriately licensed facilities for treatment and reuse;
- Upon arrival at the site, line haul vehicles drive into the unloading and loading bay (which is bunded) within the Oil Storage Area (refer **Construction Drawings RI456-20-05 to 07 and OT703333-2101-LAY**);
- Line haul vehicles and equipment undergo a series of pre-start and completion checks, including tanks, valves, filters and flexible pipework;
- Following loading, vehicles drive out of the unloading bay;

**Disposal Destination**

Where possible used oil is transported to the Southern Oil Re-refinery at Wagga Wagga.

Decanted water is transported to an appropriately licenced facility for further treatment.

**Spill Containment**

Spill containment measures are shown in **Construction Drawing RI456-20-05**.

Unloading and loading activities of liquid waste are undertaken in the unloading and loading bay, which is roofed, and has a bunded concrete floor which drains to blind sumps. Any liquids from the inground sumps is transferred to the process tanks for treatment and disposal.

All treatment equipment and chemicals / additives are located within the 600mm high tank farm (with a capacity of approximately 300m3) within the buildings. Such also drains to a blind sump and any liquids from the inground sumps is transferred to the process tanks for treatment and disposal.

**The change to throughput (10,000 tonnes per annum to 20,000 tonnes per annum for used oil / industrial oily water) for industrial oily water will not result in changes to used oil waste acceptance criteria, delivery or unloading methods, aggregation or transfer methods, disposal destinations or spill containment.**

## 4.3 Mitigation Measures

Major pollution controls incorporated in the facility's design include:

*Site Layout and Civil Works*

- Trafficked areas are sealed;

- Appropriate distances to sensitive receivers;
- 28 passenger vehicle spaces in accordance with AS2890.1 for use by administration / management / operation staff and visitors are provided for;
- 14 heavy vehicle parking spaces are provided for;
- Commercial vehicles and tankers can enter and leave the site in a forward direction;

*Organics Building*

- The building is roofed and walled to prevent the ingress of rain and generation of additional trade waste; and egress of odours and unacceptable air and noise emissions;
- Electric operated roller shutters prevent the ingress of rain and egress of odours and unacceptable air emissions;
- The unloading and loading bays are bunded (including 200mm edge bunding a 75mm high drive over bund at the entrance) and drain to inground sumps to collect any spillage during unloading activities;
- Any liquids from the inground sumps is then be transferred to the process tanks for treatment;
- Floor levels within the proposed building are greater than 0.5m above the Blacktown City Council Probable Maximum Flood (PMF) event;
- Roofwater is collected in a water tank for reuse in washdown and irrigation;
- Overflow from the water tank is treated prior to discharge from the site;
- All storage tanks and the DAF are within a 400mm high bunded tank farm (approximate capacity 218 m3);
- All tanks are vented through an appropriately sized carbon filter;
- The DAF is fully enclosed and vented to the carbon filter;

*Oil Storage Area*

- The building is roofed (with overhangs) to prevent the ingress of rain and generation of additional trade waste;
- The unloading and loading bay is bunded (including 200mm edge bunding a 75mm high drive over bund at the entrance) and drain to inground sumps to collect any spillage during unloading activities;
- Any liquids from the inground sumps is then be transferred to the used oil or oily water tanks for aggregation and transport to an appropriately licenced facility;
- Floor levels within the proposed building are greater than 0.5m above the Blacktown City Council Probable Maximum Flood (PMF) event;

- Roof water is collected in a water tank for reuse in washdown and irrigation;
- Overflow from the water tank is treated prior to discharge from the site;
- All storage tanks and the future DAF are within a 600mm high bunded tank farm (approximate capacity 301 m3);

*Vehicles*

- All trucks carry an emergency spill kit and the necessary equipment to prevent waste from entering the environment;
- All vehicles purchased by J.J. Richards for the performance of waste management duties have built-in emission control measures to ensure exhaust emissions are kept to a minimum in compliance with Australian Design Rules and emission standards;

Operational measures to minimise unacceptable emissions include:

- Implementation of established systems and procedures, including driver inductions and ongoing training);
- Trafficked areas are to be kept clean;
- All on site equipment and vehicles are properly maintained;
- Spill kits to be kept on site, and where possible used for mopping up any spillages;
- Where possible, wash down is limited to within bunded areas;
- Only material in accordance with specific acceptance criteria is permitted at the facility;
- On-site odorous waste storages are minimised;
- Trucks are kept clean;
- All plant and equipment including trucks are fitted with efficient exhaust mufflers;
- The receival of waste only occurs during normal operating hours;
- Noise generation is covered in the Vehicle Pre-trip Inspection procedure (SBMP 9.2-2) and the Vehicle Breakdown and Defects procedure (WP-GEN-209);
- Where possible oils and lubricants from site plant and machinery are collected for recycling by Southern Oil Refinery in Wagga Wagga;
- Treated liquids are discharged to Sydney Water's sewer system;
- The resultant solids or sludge from grease trap waste and aggregated liquid food waste are transported for beneficial reuse in the cultivation of feed crops on farms in the Sydney region;

- Where possible, office waste such as paper, cardboard, glass, metals and plastics, as well as Ewaste, including computers, printers and ink cartridges are sorted and sent to recycling services;
- Used oil is aggregated and transported for recycling to the Southern Oil Refinery in Wagga Wagga;

**The change to throughput (10,000 tonnes per annum to 20,000 tonnes per annum for used oil / industrial oily water) for industrial oily water will not require any additional mitigation measures that have not already been put in place for the existing development.**

# 5 Planning Assessment

## 5.1 s.4.55 Modification of consents – generally (cf previous s 96)

The proposed modification relates to amending the Consent / *Limits of Consent* contained in Condition A6 b) - to allow for an **increase in the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year**.

The modification is not an application to which s.4.55 (1) applies i.e. the modification does not involve a minor error, misdescription or miscalculation

The proposed modification relates to s.4.55 (1A) *Modifications involving minimal environmental impact.*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the proposed modification is of **minimal environmental impact**, and*

*(b) it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2) and (5) do not apply to such a modification.*

**Comments**:

Draft Guidelines from the Department (Modifying an Approved Project) state, for a modification classification as follows:

***Type 2 Modification - Application (Minor)***

- *Modification Applications involving minimal environmental impact*
- *adequate Environmental Assessment (EA), supported by technical expertise if required. Mandatory application details also required*

The Draft Guidelines further state:

*For Type 2 Modification Applications the Minister for Planning may, in response to a Modification Application, modify a consent for a SSD project under section 96(1A) of the Act if:*

- *the proposed application is of minimal environmental impact*
- *the application is substantially the same development as the original that was granted consent*
- *the application has been publicly notified.*

*Minimal environmental impact is taken to mean that the impacts associated with the proposed Modification Application are expected to be within the same scale as those that were approved under the original consent.*

*Examples of such applications may include changes to internal or external building layouts, minor changes to scheduling of stages of projects, minor design changes such as façade changes, or minor intensification or expansion of activities at a site with ''very small'' or ''negligible'' overall environmental impacts.*

*All SSD Modification Applications under section 96(1A) of the Act, and SSI Modification Applications that meet the 'minimal environmental impacts' meaning are classified as 'Type 2' Modification Applications.*

The proposed modification relates to amending the Consent / *Limits of Consent* contained in Condition A6 b), to allow for an increase in the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year.

In seeking to increase the throughput for used oil / industrial oily water:

i. The proposed increase in throughputs will **not** result in any additional plant or equipment on site – with Construction Drawings submitted with this application provided solely for the purpose of indicating existing site infrastructure already in place under the existing Consent (SSD 6767);

ii. The proposed increase in throughputs will **not** affect any of the processes or procedures on site, with all site activities remaining in accordance with the submitted Operational Environmental Management Plan, as approved by the Department on 22 November 2017;

iii. **No changes** to organic waste throughputs (42,000 tonnes per annum) are proposed as part of this application;

iv. **No change** to operating hours or personnel is proposed as part of this application;

v. The change to throughput (10,000 tonnes per annum to 20,000 tonnes per annum for used oil / industrial oily water) for industrial oily water will **not** require any additional mitigation measures that have not already been put in place for the existing development.

In support of demonstrating the minimal environmental impact of the proposed modification, the applicant has engaged consultants to prepare a Traffic Impact Assessment (**Appendix 3**) and Air and Noise Assessment (**Appendix 4**). The finding of those assessments are summarised in the following Sections of this Report.

## 5.2 Traffic Impact Assessment:

The key findings from the Traffic Impact Assessment (**Appendix 3**) of the proposed increase in the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year are as follows:

- The facility generates a car parking requirement of 20 parking spaces based on the parking rates stipulated in the Blacktown City Council's DCP;
- A first-principles parking assessment indicates the development is required to provide 24 parking spaces to accommodate the estimated staff and visitor needs of the development;
- The development provides a total of 28 passenger vehicle parking spaces on-site, including one (1) PWD parking space and an additional 14 commercial vehicle parking spaces for use by the truck drivers;
- Vehicle access to the site is via two (2) crossovers to Rayben Street, which duly caters for B-Doubles (i.e. the largest design vehicles);
- Swept path diagrams have been prepared to show safe site access and manoeuvrability for B-Doubles and semi-trailers whilst performing their necessary duties on-site;
- Based on a first-principles traffic assessment with consideration of provided forecast daily truck movements, the proposed upgrade is expected to generate two (2) heavy vehicle trips during the peak hour periods.

***2019 Scenario***

- A SIDRA intersection analysis on the Owen Street / Power Street intersection indicates that the intersection is currently performing below the practical operating capacity (i.e. DOS < 0.8) for a priority-controlled intersection during both AM and PM peak hour periods, with optimal LOS on the majority of the approaches;
- The trips generated by the proposed upgrade have a negligible effect on intersection performance, with minimal increases in delay and level of saturation;
- As such, the upgrade is shown to be well-accommodated within the existing road geometry under current-year road conditions.

***2029 Scenario***

- The results show that the base intersection performance decreases significantly under an annual background growth of 2% for a 10-year design horizon to 2029, with level of service dropping to LOS F on the northern and eastern approaches;

- Significant delays and queueing are predicted for the future 2029 Owen Street / Power Street intersection, suggesting that the capacity of the intersection is unable to accommodate the traffic growth prior to introduction of development upgrade traffic;
- The trips generated by the proposed upgrade have a negligible effect on intersection performance despite this, with minimal increases in delay and level of saturation;
- It is noted that the introduction of additional vehicles into an oversaturated road network can cause detrimental impacts to performance indicators due to instability of the intersection model under heavily loaded scenarios;
- As the development traffic represents under 5% of the existing traffic along Owen Street, the low volume of traffic generated by the proposed upgrades are not expected to compromise the function or safety of the road and associated intersections;
- While mitigation measures on behalf of the development are not required on the basis of the above, additional measures should be implemented to improve the overall intersection operation in future years;
- It is understood that there are existing considerations for intersection upgrades (including an option for installation of a landscaped roundabout), as outlined in BCC's WIP;
- As the site has access to nearby public and active transport services and infrastructure, there may be opportunity to mitigate some staff journey to work trips via alternative travel options.

As a result of these findings, the Traffic Impact Assessment concludes that the proposed upgrade scenario does not introduce any significant traffic or transport impacts that would preclude its approval and relevant conditioning by Council.

## 5.3 Air and Noise Assessment

The key findings from the Air and Noise Assessment (**Appendix 4**) of the proposed increase in the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year are as follows:

- An air and noise assessment has been undertaken to assess the potential impacts of increasing the waste oil throughput at the JJ Richards & Sons Glendenning facility. Currently, the site is approved to process 42000 kL of organic waste and 10000 kL of waste oil per year. The proposal is to increase the waste oil throughput to 20000 kL, and no changes to organic waste throughput are proposed. Notwithstanding the above, it is additionally noted that the proposed increase in throughputs will not result in any additional plant or equipment on site.
- Air and noise modelling has been undertaken to assess potential impacts. The modelling has taken into consideration on-site noise and air (VOCs and odour) sampling data. The results of the modelling indicate compliance with the

relevant NSW EPA air and noise criteria. It is noted that continuous 24/7 emissions from the site has been assumed in the modelling as a conservative approach. The proposed increased waste oil throughput will not increase the existing hours of operation, and even with the increased throughput, it is unlikely that emissions will occur continuously during the day. Therefore, the 24/7 assumption is a highly conservative approach to assessing noise impacts.

## 5.4 S.115 – EP&A Regulation 2000

Clause 115 (*Application for modification of development consent*) of the EP&A Regulation 2000 requires an application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain certain information.

The provisions of this Clause have been met, as provided for in the following Table:

| **Clause** | **Comments** |
|---|---|
| *(1) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:* | |
| *(a) the name and address of the applicant,* | J.J. Richards & Sons Pty Ltd<br>3 Grant Street<br>Cleveland QLD 4163 |
| *(b) a description of the development to be carried out under the consent (as previously modified),* | The Minister for Planning issued a Development Consent for the Glendenning Liquid Waste Treatment Facility under Section 89E of the EP & A Act 1979 on 11 January 2017 (Ref: SSD 6767).<br><br>Construction of the Facility commenced in April 2017 and a final Occupation Certificate was issued on 9 May 2018.<br><br>The EPA issued an Environment Protection Licence (EPL 21053) for the facility on 4 April 2018.<br><br>The Facility is currently operational, with no previous modifications. Refer to **Section 2** of this Report. |
| *(c) the address, and formal particulars of title, of the land on which the development is to be carried out,* | 14 Rayben Street,<br>Glendenning NSW 2761<br>Lot 123 DP870988 |
| *(d) a description of the proposed* | Modification of Consent / Condition |

| | |
|---|---|
| *modification to the development consent,* | A6 b) - to allow for an increase in the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year. |
| *(e) a statement that indicates either:*<br>*(i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or*<br>*(ii) that the modification is intended to have some other effect, as specified in the statement,* | (e) (ii) - The modification is intended to allow for the Glendenning Liquid Waste Treatment Facility Increase to increase the used oil / industrial oily water throughput from 10,000 tonnes to 20,000 tonnes per calendar year.<br>The modification does not result in any additional plant or equipment on site or affect any of the processes or procedures on site.<br>No changes to organic waste throughputs are proposed. No change to operating hours or personnel is proposed. |
| *(f) a description of the expected impacts of the modification,* | There are no physical changes to site infrastructure / building or works as a consequence of the development.<br>The modification does not result in any additional plant or equipment on site or affect any of the processes or procedures on site.<br>No changes to organic waste throughputs are proposed. No change to operating hours or personnel is proposed.<br>The submitted TIA (**Appendix 3**) concludes that the proposed modification does not introduce any significant traffic or transport impacts that would preclude its approval. Refer to **Section 5.2** of this Report.<br>The submitted Air and Noise Assessment (**Appendix 4**) concludes that the results of modelling indicate compliance with relevant NSW EPA air and noise criteria. Refer to **Section 5.3** of this Report.<br>The proposed amendment is considered to result in substantially the same development – refer to **Section 5.5** |

| | |
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| | below. |
| *(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,* | The development (as to be modified) will remain substantially the same as the development that was originally approved.<br>There are no physical changes to site infrastructure / buildings or works as a consequence of the development.<br>The modification does not result in any additional plant or equipment on site or affect any of the processes or procedures on site.<br>No changes to organic waste throughputs are proposed. No change to operating hours or personnel is proposed. |
| *(g1) in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,* | Not applicable |
| *(h) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),* | Not applicable. The applicant is the owner of the subject site. |
| *(i) a statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56), and, if the consent authority so requires, must be in the form approved by that* | Not applicable. The application is not being made to the Court (s.4.55(8)) or under s.4.56. |

| | |
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| *authority.* | |
| *(2) The notification requirements of clause 49 apply in respect of an application if the consent of the owner of the land would not be required were the application an application for development consent rather than an application for the modification of such consent.* | Not applicable |
| *(3) In addition, if an application for the modification of a development consent under section 4.55 (2) or section 4.56 (1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), the application must be accompanied by a statement by a qualified designer.* | Not applicable |
| *(3A) The statement by the qualified designer must:*<br>*(a) verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and*<br>*(b) provide an explanation of how:*<br>*(i) the design quality principles are addressed in the development, and*<br>*(ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and*<br>*(c) verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.* | Not applicable |
| *(3B) If the qualified designer who gives the design verification under subclause (3) for an application for the modification of development consent (other than in relation to State* | Not applicable |

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| *significant development) does not verify that he or she also designed, or directed the design of, the development for which the consent was granted, the consent authority must refer the application to the relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.* | |
| *(4) If an application referred to in subclause (3) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:*<br>*(a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or*<br>*(b) to improve the thermal performance of the building.* | Not applicable |
| *(5) The consent authority may refer the proposed modification to the relevant design review panel but not if the application is for modification of a development consent for State significant development.* | Not applicable – development consent relates to *State significant development.* |
| *(6) An application for the modification of a development consent under section 4.55 (1A) or (2) of the Act, if it relates to development for which the development application was required to be accompanied by a BASIX certificate or BASIX certificates, or if it relates to BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied),* | Not applicable |

| | |
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| *must also be accompanied by the appropriate BASIX certificate or BASIX certificates.* | |
| *(7) The appropriate BASIX certificate for the purposes of subclause (6) is:*<br>*(a) if the current BASIX certificate remains consistent with the proposed development, the current BASIX certificate, and*<br>*(b) if the current BASIX certificate is no longer consistent with the proposed development, a new BASIX certificate to replace the current BASIX certificate.* | Not applicable |
| *(8) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act relating to land owned by a Local Aboriginal Land Council may be made only with the consent of the New South Wales Aboriginal Land Council.* | Not applicable |
| *(9) The application must be accompanied by the relevant fee prescribed under Part 15.* | The scheduled fee will be paid at the time of lodgement of the application |
| *(10) A development consent may not be modified by the Land and Environment Court under section 4.55 of the Act if an application for modification of the consent has been made to the consent authority under section 4.56 of the Act and has not been withdrawn.* | Not applicable |

## 5.5 Substantially the same development

For State significant development, a proponent must demonstrate that the change, if carried out, would result in a development that would be *substantially the same* development as the original development. In order to draw this conclusion, a proponent must have regard to the following considerations, which have been established through decisions of the NSWLEC (per the Draft Guidelines from the Department - *Modifying an Approved Project*):

- *''Substantially'' means ''essentially or materially'' or ''having the same essence.''*
- *A development can still be substantially the same even if the development as modified involves land that was not the subject of the original consent (provided that the consent authority is satisfied that the proposal is substantially the same).*
- *If the development as modified, involves an ''additional and distinct land use'', it is not substantially the same development.*
- *Notwithstanding the above, development as modified would not necessarily be substantially the same solely because it was for precisely the same use as that for which consent was originally granted.*
- *To determine whether something is ''substantially the same'' requires a comparative task between the whole development as originally approved and the development as proposed to be modified. In order for the proposal to be ''substantially the same'', the comparative task must:*
  - *result in a finding that the modified development is ''essentially or materially'' the same*
  - *appreciate the qualitative and quantitative differences in their proper context*
  - *in addition to the physical difference, consider the environmental impacts of proposed Modification Applications to approved developments.*

The proposed modification does not result in an 'additional' or 'distinct land use', with there being no change of use or physical changes to site infrastructure / buildings or works as a consequence of the development.

The modification does not result in any additional plant or equipment on site or affect any of the processes or procedures on site.

No changes to organic waste throughputs are proposed. No change to operating hours or personnel is proposed.

A comparative task between the whole development as originally approved and the development as proposed to be modified can be determined by reference to the supporting specialist reports - Traffic Impact Assessment (**Appendix 3**) and Air and Noise Assessment (**Appendix 4**).

The submitted Traffic Impact Assessment concludes that the proposed modification does not introduce any significant traffic or transport impacts that would preclude its approval, as detailed in **Section 5.2** and **Appendix 3** of this Report.

The submitted Air and Noise Assessment further concludes that the results of modelling indicate compliance with relevant NSW EPA air and noise criteria for the modified development, as discussed in **Section 5.3** and **Appendix 4** of this Report.

Increasing the waste oil / oily water throughputs is therefore considered to be a modification to which to s.4.55 (1A) *Modifications involving minimal environmental impact* can be applied, in consideration that it has been demonstrated that the environmental impacts associated with the modification are not significant (or moderate) in the context of the above development.

# 6 Pre-lodgement – Additional information

In addition to the above, the Department (by Email dated 22 May 2019 and 28 May 2019) requested additional information to the initial submission on 10 April 2019. These matters have been addressed in the following Table below:

| Request | Response |
|---|---|
| *The unlabelled table in Section 4.2.3 identifies 1040 additional car parking per year, however, it is noted that there are no additional staff proposed as part of the application. Please clarify.* | The 1,040 additional car parking movements per annum is equivalent to 4 additional movements per day. This increase is based on revised forecasts for *future* staff and visitors and results in a need for up to 26 car parking spaces daily – we note there are 29 car parking spaces provided.<br>We however reiterate that for the purposes of this current application, no additional staff are proposed. |
| *Provide greater detail about why the modification is required and how a doubling of capacity of oily liquid waste can be accommodated without any additional changes. Please describe the increased operating efficiencies.* | We note the original design (tank capacity) incorporated significant reserve capacity for throughput of used oil and oily water.<br>The modification is required because:<br>• JJ Richards have been more successful than expected in attracting used oil / industrial oily water collection and consolidation at the facility;<br>• A number of other liquid waste (i.e. used oil / industrial oily water) transfer facilities in the region, which have traditionally operated as satellite collection and storage facilities, have recently ceased operations - owing primarily to safety and environmental issues - resulting in the need |

| | |
|---|---|
| | to accommodate increase throughputs to the site that otherwise was not originally anticipated;<br>• Increased operating efficiencies onsite, since operations commenced, has resulted in increased capacity for throughputs of used oil / industrial oily water at the facility in the year to date - such that the 10,000 tonnes per annum limitation under Condition A6 b) will be inadequate to account for demand for future product throughputs.<br>Operating efficiencies include reduced unloading and loading times, reduced residence times for storage of used oils and more frequent line haul transport options. |
| *The traffic assessment has not considered Condition B32i) which restricts right hand movements into Power Street. Please address ensuring table 6.1 is updated appropriately (if required). Also include comments on how this condition is being applied.* | The Traffic Impact Assessment has been updated (**Appendix 3**). The changes include:<br>• New paragraph in Section 5.1.2<br>• New paragraph in Section 6.3<br>Note: SIDRA models should not require updating as no right turns onto Power Street were included within the 'upgrade' development traffic volumes. There is only a single new outbound truck during peaks, turning left onto Power Street during both AM and PM peaks. |
| *The modification includes an increase in the storage volume of non-compliant product, 20 L was originally proposed and approved, now 30 KL is proposed, please discuss. Note non-compliant product is a dangerous good. Please also provide an updated drawing no RI456-DO-02, no RI456-DO-21, no RI456-DO-24, no RI456-DO-25, no RI456-DO-32.* | The 30kL tank (which was installed prior to the commencement of operations) was purchased at the time because it was available (off the shelf) at a similar cost to a 20kL tank.<br>This tank is compliant with AS1940.<br>Updated Drawings (Revision B) RI456-DO-02, RI456-DO-21, RI456-DO-24, RI456-DO-25, and RI456-DO-32 are attached at **Appendix 5** to reflect the size of the tank. |
| *I note a DAF unit for industrial oily liquid and used oil is described in the EIS and a future DAF unit in the modification, however, the process description doesn't include the use of the* | There is currently no secondary processing of oily water on the site and hence there is no current requirement for a DAF in the oily water treatment process at this point in time.<br>There is no planned date for the introduction of a DAF in the oily water treatment process. |

<table>
<tr><td>DAF, please clarify. When would the DAF unit be installed? Please provide a Figure showing the location of the unit noting that it has not been included in the approved drawings.</td><td>When introduced the proposed DAF would be located as shown on Drawing OT703333-1011-LAY H in the submitted Construction Drawings.</td></tr>
<tr><td>Please provide the revised outputs, that is, water discharge to sewer, oily water and used oil removed for re-refining and used oil removed for re-refining. Has Sydney Water been consulted about the potential for additional Trade Waste?</td><td>The revised outputs are provided in Section 4.2.2 (reproduced below).
<table>
<tr><th rowspan="2">Material</th><th>Receipts (tonnes)</th><th colspan="2">Discharges (tonnes)</th></tr>
<tr><th>By Vehicle</th><th>By Vehicle</th><th>To Sewer</th></tr>
<tr><td>Liquid Organic Waste</td><td>42,000</td><td>14,700</td><td>27,300</td></tr>
<tr><td>Used Oil/Industrial Oily Water</td><td>20,000</td><td>20,000</td><td>-</td></tr>
</table>
There is however no discharge to sewer from used oil / industrial oily water at any stage.<br>
There is no increase in discharge to sewer from the existing organics, with no change to organic storages proposed.<br>
Given the above, no consultation with Sydney Water was considered required.</td></tr>
<tr><td>The used oil/oily liquid waste tank farm has been approved for a capacity of 800 tonnes, what is its current capacity? What is the current capacity of the organics tank farm?</td><td>The oil / oily water tank farm currently has a capacity of 790 tonnes (this includes the 30 tonne non-compliant product tank).<br>The organics tank farm has a capacity of 520 tonnes.</td></tr>
<tr><td>What date did operations start?</td><td>Organic Waste operations commenced in April 2018.<br>Used Oil operations commenced in June 2018.</td></tr>
<tr><td>When referring to revised outputs can you please break it down as you did for the original assessment, that is what is the volume of oily water and used oil sent for re-refining and what volume is waste.</td><td>The facility’s estimated output would comprise the following:<br>• 27,300 tpa of treated liquid food waste (K120) and grease trap waste (K110) discharge to sewer;<br>Note: Following future installation of the</td></tr>
</table>

| | |
|---|---|
| | DAF, around 1,800 tpa of industrial oily water would potentially be discharged to sewer. Sydney Water approval currently allows for 33,800 tpa discharge to sewer based on a 5-day week.<br>• 14,700 tpa of sludge and liquid food waste removed for disposal or for use as fertiliser;<br>• Industrial oily water (J120) and Used oil (J100) are aggregated only at this stage and transported to an appropriately licenced facility;<br>*Note*: Future treated oily water to sewer will be subject to a further Sydney Water approval;<br>• 20,000 tpa of oily water (J120) and used oil (J100) removed for re-refining or further treatment at an appropriate facility. |