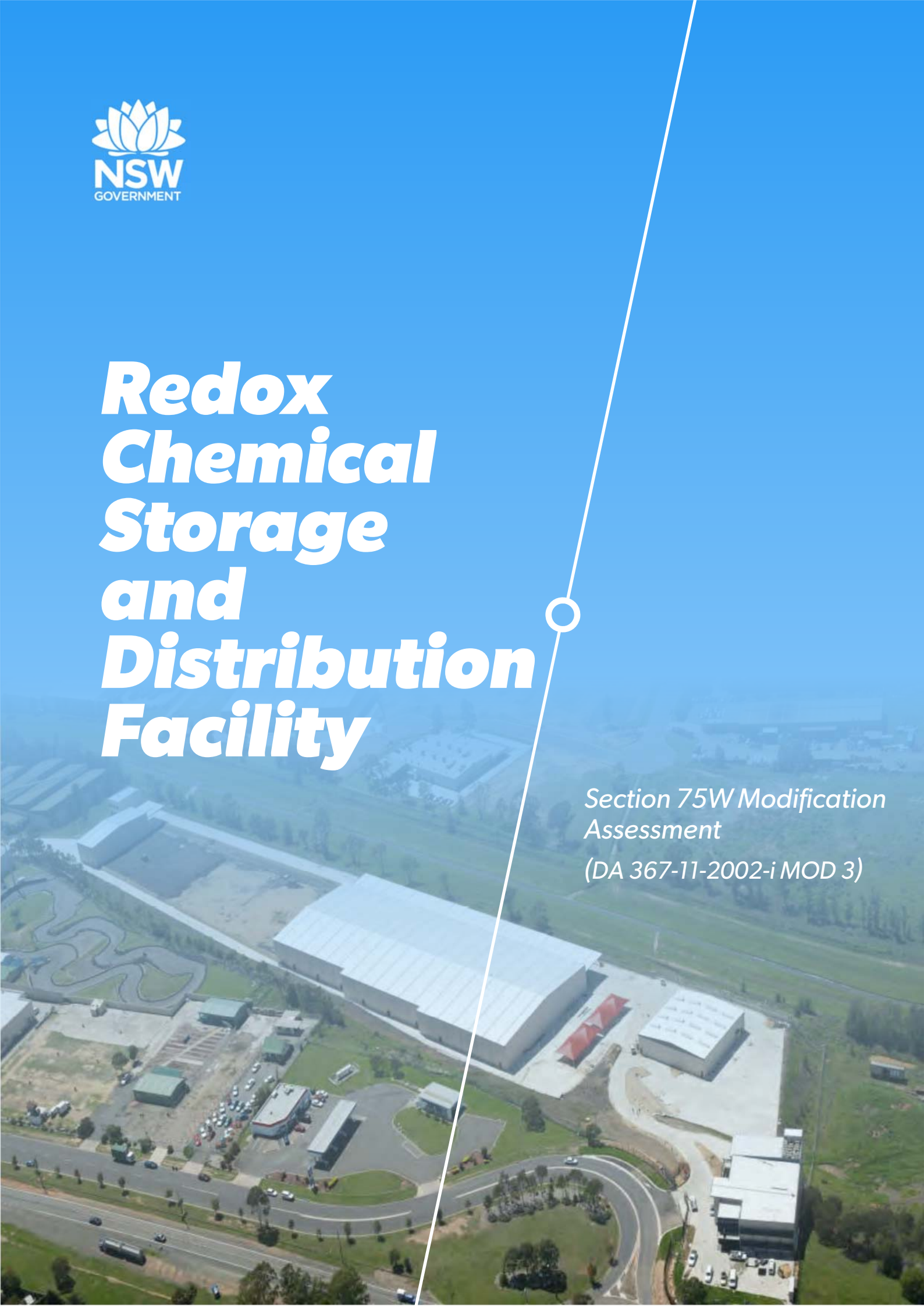




Redox Chemical Storage and Distribution Facility

*Section 75W Modification
Assessment
(DA 367-11-2002-i MOD 3)*



September 2019

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1. Introduction

This report assesses a modification request by Redox Pty Ltd (the Proponent) for changes to on-site activities and alterations and additions to its chemical storage and distribution facility in Minto. The request has been lodged pursuant to the former section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The project was originally approved under Part 4 of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (STOP) Regulation). The power to modify transitional Part 3A projects under the former section 75W of the Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may determine the modification of the project under the former section 75W of the EP&A Act.

1.1 Background

The Proponent operates a chemical storage and distribution facility at 2 Swettenham Road, Minto (the site) in the Campbelltown local government area (see **Figure 1**). The facility is permitted to store approximately 15,845 tonnes (t) of chemicals, consisting of 11,195 t of non-dangerous goods (DG) materials and 4,650 t of DG materials. This includes Class 3 flammable liquids, Class 5.1 oxidising substances, Class 6.1 toxic substances and Class 8 corrosive substances. These chemical products are distributed across Australia.

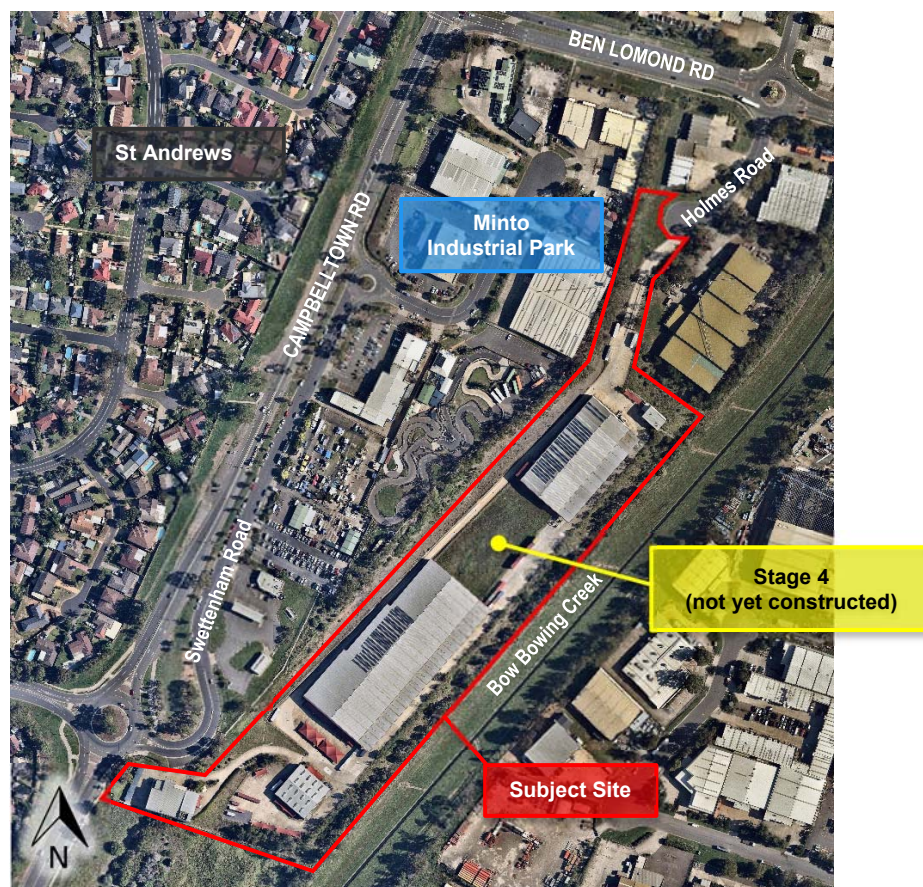


Figure 1 | Site Location

The Proponent is a large chemical and ingredients distributor providing chemical products for over 200 different industries. The Proponent established the site to expand and consolidate its NSW operations, and to serve as the administrative headquarters for its Australian and New Zealand operations.

The site is located within the Minto Industrial Park and occupies an area of 6.05 hectares (ha). The site is bound by Ben Lomond Road to the north, Campbelltown Road and the Hume Motorway to the west, industrial estates to the south and Bow Bowing Creek to the east. The closest residential suburb is St Andrews which is approximately 200 metres (m) to the west of the site. Bow Bowing Creek is located approximately 40 m to the east of the site (see **Figure 1**). Access to the site is via Holmes Road and Swettenham Road.

1.2 Approval History

On 16 September 2003, DA 367-11-2002-i was granted consent by the then Minister for Infrastructure and Planning for the construction and operation of a chemical storage and distribution facility and associated infrastructure. The consent was granted under Part 4 of the EP&A Act and the now repealed *State Environmental Planning Policy No.34 – Major Employment-Generating Industrial Development* (SEPP 34).

The approval permitted the construction and operation of two large segmented warehouses, one flammable good store and two administration buildings over four stages, as follows (see **Figure 2**):

- Stage 1: construction of the administration building (Building A), transport office (Building G), Buildings B to D (warehousing), Building J and the decanting area (Area K)
- Stage 2: construction of Building E (warehousing) to provide additional storage area for palletised goods
- Stage 3: construction of Building I (warehousing) to provide additional storage for palletised goods
- Stage 4: construction of Building H to provide additional storage for palletised goods and construction of Building F for the storage of bulk liquids products in above ground tanks for the decanting of products.

To date, Stages 1 to 3 (except for the Decanting Area in Area K) have been completed, however Stage 4 is yet to be developed.

The original application was amended following a Commission of Inquiry, which recommended a number of restrictions be placed on the development. This included:

- removal of bulk soda ash operations
- a decrease in the total tonnage of DG and non-DG materials stored on-site from a proposed 20,500 t to 15,845 t
- restriction of decanting operations to Class 8 and non-DG materials. Class 5.1 and 6.1 products are not permitted to be transported or decanted
- restriction of package sizes of Class 6.1 goods to 205 L drums (liquids) and 1,000 kilo gram bulk bags (solids)
- restriction of package sizes of Class 3 goods to 205 L drums. Class 3 goods are not permitted to be stored in intermediate bulk containers (IBC), which is a type of container used for bulk handling, transport and storage of liquids.

The consent has subsequently been modified on two occasions as shown in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1 (51-5-2004-i)	- construction of an office balcony - construction of a covered truck wash area adjacent to Building J - insulation of shade sails for the carparking area	Minister for Planning	96(1A)	14 August 2004
MOD 2 (116-8-2005-i)	- relocation of the truck wash area, car parking spaces, driveways and access staircase to improve traffic circulation within the site - insulation of two electrical substations, three flag poles and an additional staff toilet facility at Building B - reduction of the shade sails area for the car parking area	Minister for Planning	96(1A)	15 September 2005

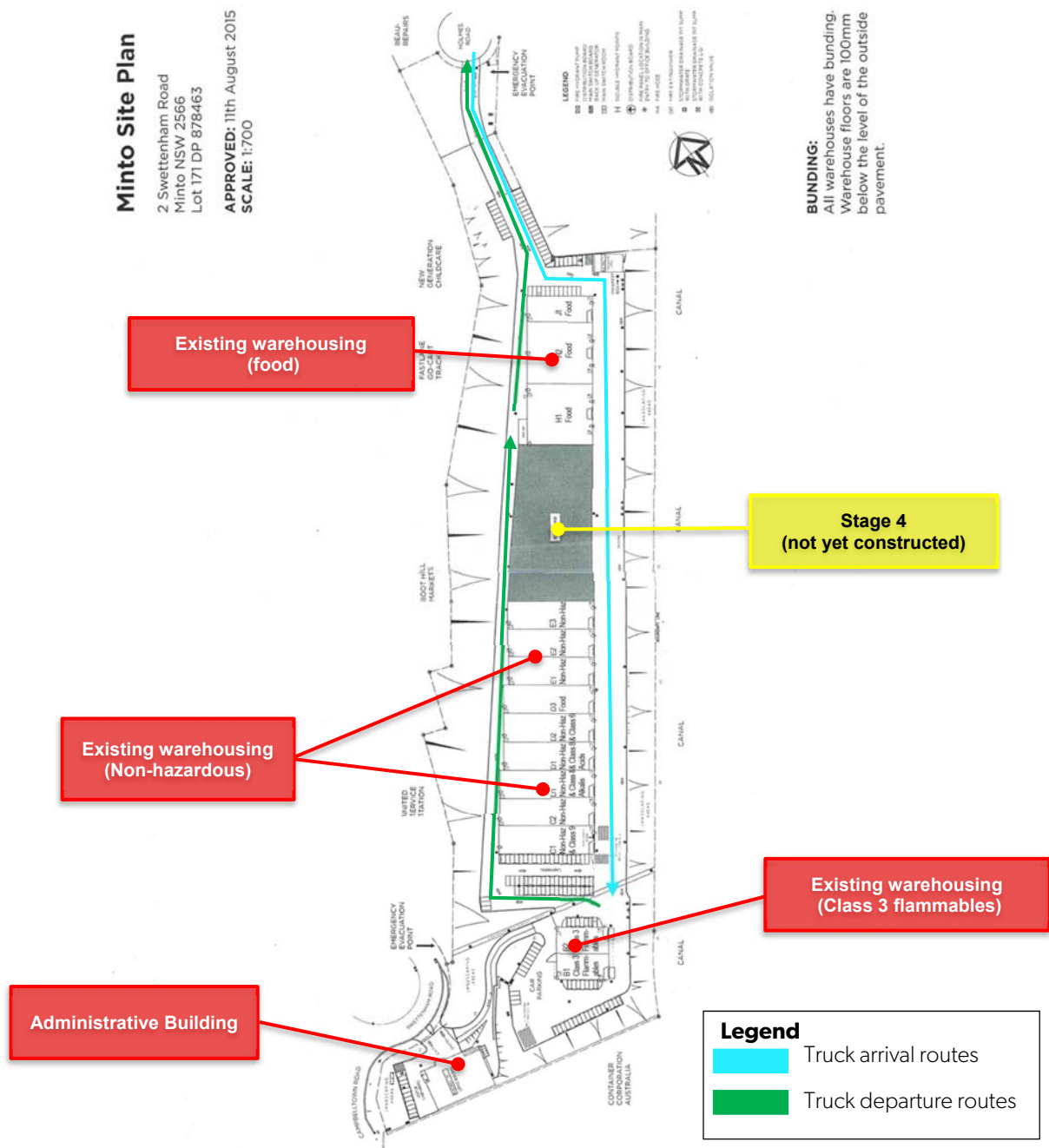


Figure 2 | Existing Site Layout

1.3 Existing Operations

The facility currently receives, stores and distributes a wide range of chemicals including acids and alkalis such as phosphoric acid, sulfuric acid and sodium hydroxide. The development consent also allows for the decanting, packaging and redistribution of chemicals classified as DG and non-DG materials. Heavy vehicles primarily access the site from the north eastern entry off Holmes Road to enter the warehouses (see **Figure 2**). Products are then unloaded in either pallet loads, bulky bags, drums or intermediate bulk containers (IBC), with the exception of Class 3 and C1/C2 combustible liquids which are not permitted to be stored in IBCs.

The Proponent recently acquired the Deltrex Chemicals Facility in Giraween, which supplies food grade chemicals to food processing companies throughout Australia. As part of consolidating its operations, the Proponent proposes to relocate the Deltrex facility from its current location in Giraween to the Minto site. The Proponent has identified an opportunity to modify the existing development consent to increase the storage capacity for the Stage 4 warehousing development, which is yet to be constructed, to facilitate the storage of food grade chemicals.



2. Proposed Modification

The Proponent has lodged a modification request under the former section 75W of the EP&A Act to modify the consent. The proposed modification seeks to:

- allow for the use of intermediate bulk containers (IBC) for the storage of Class 3 flammable liquid and Class 6.1 toxic substances
- increase the total quantity of non-DG stored on-site from 11,195 t to 15,795 t
- increase the storage quantity of Class 8(3) and Class 8(F1) corrosive substances stored with the Stage 4 area from 250 t to 540 t. The total quantity of DG that can be stored onsite would remain unchanged at 4,650 t
- change the layout of Stage 4 warehouse area
- allow for the decanting, dilution, blending, mixing and dissolving of food grade chemicals
- clarify site activities listed on the development consent
- construct and operate a wastewater and water treatment plant.

The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is discussed in **Table 2** below and shown in **Figures 3** and **4**.

Table 2 | Proposed Change in Chemical Storage Quantities

Aspect	Description
Total Storage Quantity of DG	• Increase the total quantity of non-DG stored at the facility from 11,195 t to 15,795 t (see Section 2.1).
Use of IBCs	• The modification seeks to allow the use of 1,000 L IBCs for storage and distribution of Class 3 flammable liquid and Class 6.1 toxic substances. • The Proponent considers the use of IBCs will decrease the risks of handling and storage as there will be less truck movements required to distribute to the end users.
Food Grade Chemicals	• Decanting, dilution, blending, mixing and dissolving of food grade chemicals within the Stage 4 warehouse area. • The food grade chemicals will include acids or alkalis or concentrated salt solutions such as acetic acid solutions, phosphoric acid solutions and calcium chloride solutions.
Reconfiguration of Stage 4 Warehousing Area	• Amendment to the site layout approved for Stage 4 to facilitate an increase in storage capacity and the separate storage and decanting of acid, alkali and food grade chemicals (see Section 2.2). • Integration of the decanting area (not built as part of Stage 1) within the Stage 4 warehousing area.
Wastewater and Water Treatment Plant	• The water treatment plant would comprise either a reverse osmosis or demineralisation plant and two water storage tanks, which would be used in the diluting operations. • The water treatment plant would occupy a footprint of 10 square metres (sqm) within the Stage 4 warehousing area. • The wastewater treatment plant would collect washing and rinsing water from the diluting and decanting tanks and would adjust the pH of the wastewater before disposal • The wastewater treatment plant would occupy a footprint of 20 sqm within the Stage 4 warehousing area.

Aspect	Description
Amendment to Condition 5.8 - Stormwater Quality Monitoring Plan	Modification to Condition 5.8 to update the legislative requirements within the condition.

2.1 Chemical storage

The modification proposes to increase the facility's total quantity of non-DG. **Table 3** details the proposed changes in chemical storage quantities compared to the approved quantities. Under the modification request the Proponent is now seeking to increase the total quantity of non-DG materials from 11,195 t to 15,795 (t), which is a difference of 4,600 t from the original approval.

The modification request is also seeking to increase the storage quantity of Class 8(3) and Class 8(F1) corrosive substances stored within the Stage IV area from 250 t to 540 t. This proposed increase in storage capacity will therefore require a change in the layout of the stage 4 warehouse area.

Table 3 | Proposed Change in Chemical Storage Quantities

Chemical	Approved Quantities (t)	Proposed quantities under the modification (t)	Change (t)
Non-DG	11,195	15,795	+ 4,600
Class 3 Flammable liquids	900	900	No change
Class 5.1 Oxidising substances	250	250	No change
Class 6.1 Toxic substances	850	850	No change
Class 8 Corrosive substances (in packages)	2,400	2,110	- 290
Class 8 Corrosive substances (in bulk)	250	540	+ 290
TOTAL	15,845	20,445	+ 4,600

2.2 Reconfiguration of Layout of Stage 4 Warehouse Area

The proposed modification would integrate the approved decanting area which was not constructed under Stage 1 and change the layout and storage capacity approved for Stage 4. The change in layout would allow for an increase in storage capacity of Class 8(3) and Class 8(F1) and the separate storage and decanting of acid, alkali and food grade chemicals (see **Figures 3** and **4**).

The modification proposes to change the Stage 4 layout to allow for:

- 18 above ground storage tanks stored over two levels which would be separately bunded into three types of chemicals (i.e. acids, alkali and food grade chemicals)
- three separate diluting and dispensing tank areas each isolated from one another by fire rated walls, separated bunding and separate air scrubbers
- an IBC washing area
- water demineralisation plant, which would be used in diluting operations
- wastewater treatment plant for treating liquid waste generated during the diluting/decanting process
- road tanker loading/unloading bays.

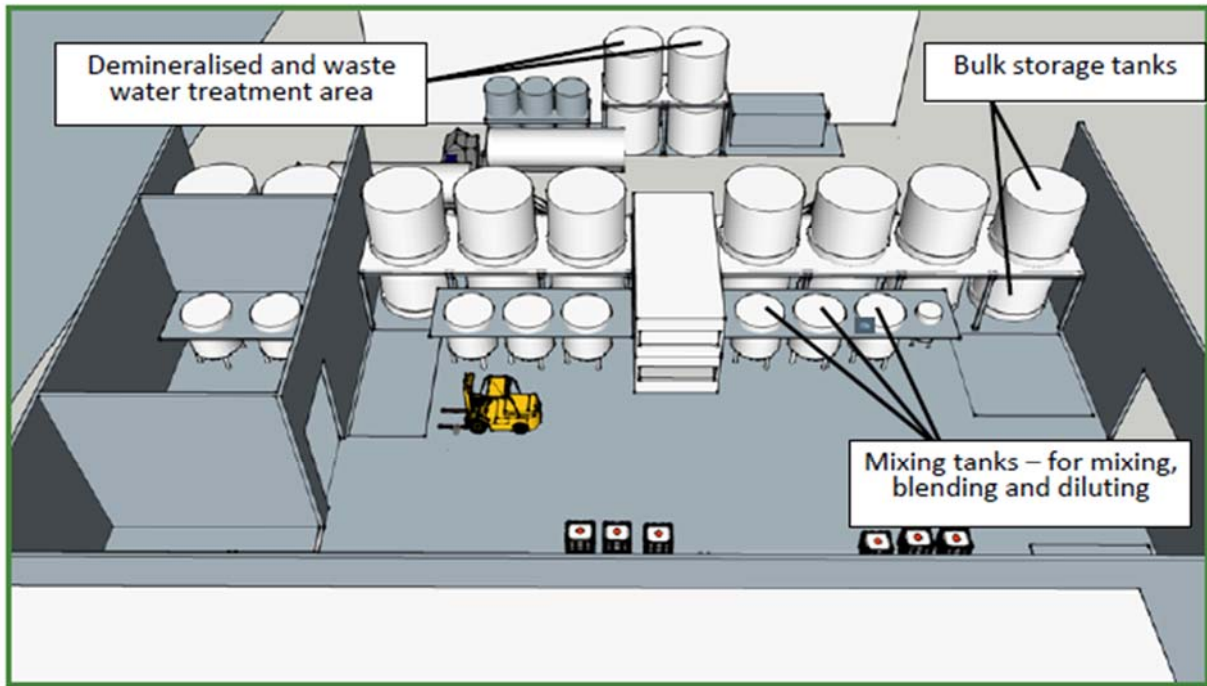


Figure 3 | Proposed Layout of the Stage 4 warehouse once constructed and operational

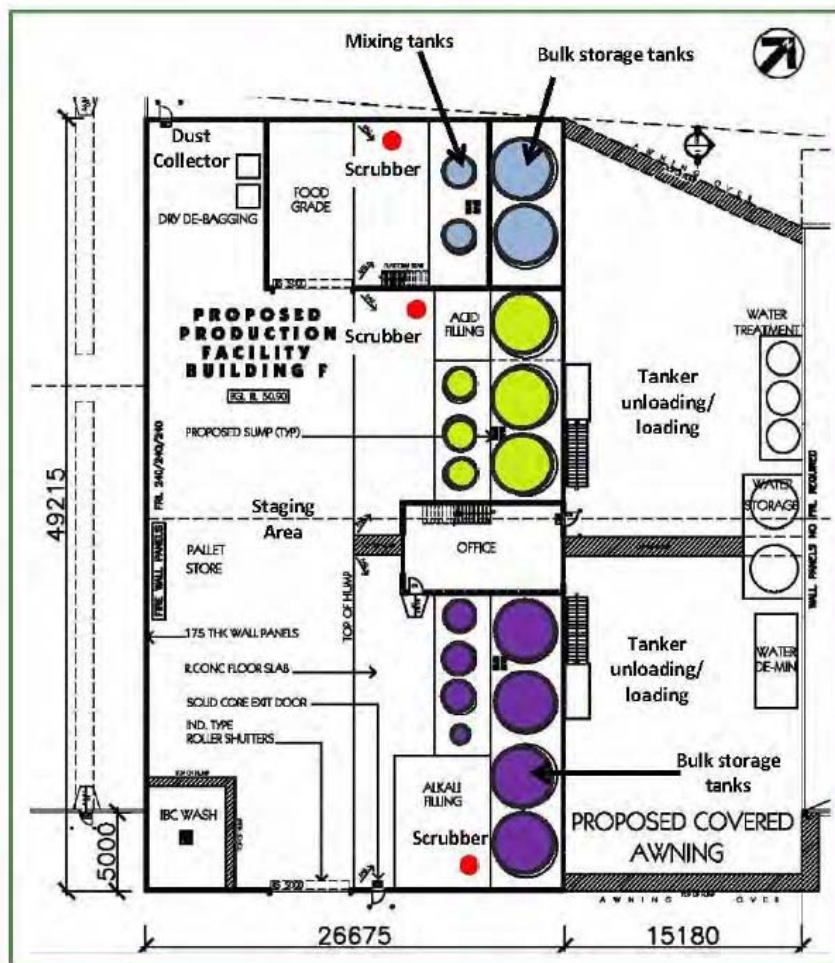


Figure 4 | Proposed Layout of the Stage 4 warehouse once constructed and operational



3. Strategic Context

3.1 Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission (GSC) published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans. The Region Plan replaces *A Plan for Growing Sydney* and outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

The Redox storage and distribution centre is located within the Minto Industrial Park in the Western City District. The Region Plan identifies Greater Sydney as an existing industrial, manufacturing, warehousing and distribution facilities which contribute to its role as Australia's manufacturing capital. These activities occur on industrial land that also accommodates urban services, freight and logistics services, and advanced manufacturing.

Objective 16 identifies the Western Sydney District as having the potential to become a nationally significant freight and logistics hub through its connections to international, national and regional NSW transport networks.

Objective 23 of the Region Plan seeks to ensure industrial and urban services land is retained, reviewed and planned. Industrial and urban services is land identified in the Department's Employment Lands Development Monitor, including industrial zoned land and some business zoned land which permits several industrial land uses. Light industry including warehousing, freight and logistics has been identified as typically needing to be near residential and commercial communities they directly serve.

These objectives are further supported by the Actions set out in the Western City District Plan. For example, Action 51 recommends retaining and managing industrial and urban services, in line with the principles for managing industrial and urban services in the Western City District by safeguarding all industrial zoned land from conversion to residential development.

Overall, the proposed modification is consistent with the strategic direction set out for Greater Sydney in the Region Plan and Western City District Plan as it would ensure industrial land is retained and developed for industrial purposes and significantly contributes to the Greater Sydney economy.



4. Statutory Context

4.1 Scope of Modifications

Under clause 8j(8)(b) of Schedule 4 to the EP&A (STOP) Regulation, a development consent granted by the Minister for Planning and Public Spaces under SEPP 34 is to be modified under the former section 75W of the EP&A Act. Despite the repeal of Part 3A of the EP&A Act on 1 October 2011, the effect of section 75W is continued for such consents by the operation of clause 12 of Schedule 2 to the EP&A (STOP) Regulation until the cut-off date established in clause 3BA of schedule 2 to the EP&A (STOP) Regulation, which is 1 March 2018.

The Department notes:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of former section 75W of the EP&A Act
- any potential environmental impacts would be appropriately managed through the existing or modified conditions
- the modification request was lodged on 11 December 2017.

Therefore, the Department is satisfied the modification request is within the scope of former section 75W of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the request should be assessed and determined under former section 75W of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the approval authority for the request. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the request under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- no public submissions in the nature of objections were received.



5. Engagement

5.1 Department's Engagement

Under the former section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification request. Upon receipt, the request was placed on the Department's website and following a review of the documentation, the Department did not consider that further consultation was necessary. The Department referred the request to Campbelltown City Council (Council), the EPA, Roads and Maritime Services (RMS) and SafeWork NSW (SafeWork). The Department also notified Sydney Water, NSW Food Authority and Food Standards Australia New Zealand however they did not provide a submission on the modification request.

5.2 Key Issues

Council did not object to the modification request, however raised concerns relating to the increased frequency of vehicle movements and its impact on the existing traffic facilities in the area and stormwater management associated with the construction of the Stage 4 of the development.

RMS objected to the proposed modification on the grounds the Traffic and Parking Assessment and the Traffic and Acoustic Report provided by the Proponent, requires greater environmental and safety assessment relating to the transport of hazardous materials through the proposed alteration of the heavy vehicle haul route. RMS also raised concerns regarding the Proponent's intent/purpose, applicability and necessity to modify the approved heavy vehicle haul route.

EPA did not object to the modification, however requested clarification regarding several issues relating to air quality, stormwater and provided comments on noise and general operation practices under the Environment Protection Licence (EPL) for the facility.

SafeWork advised that they did not wish to comment on the modification request.

5.3 Response to Submissions

In April 2019, the Proponent provided a response to submissions (RTS) report, which addressed the submissions from the key government agencies. The RTS was made publicly available on the Department's website and was provided to key agencies to consider whether it adequately addressed the issues raised.

The modification request originally proposed an alteration to the existing approved haul routes to include the Raby Road ramps onto the Hume Motorway. However, RMS objected to the proposal and requested further assessment be undertaken before it could consider a change to the approved heavy vehicle route. The Proponent subsequently removed this component from the modification request and RMS advised it no longer objected to the modification.

The Proponent also requested to delete Conditions 5.8 and 7.5(C), which relates to stormwater quality monitoring that is required to be undertaken on-site. The Proponent considers this requirement is not necessary as no operations take place on-site within areas which collect stormwater that could cause contaminated stormwater runoff. The reasons for this are outlined further in the RTS. EPA provided further comments but did not object to the deletion of the condition provided the Applicant can demonstrate, document and verify that water pollution will not occur.



6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- DA and supporting documentation and the assessment report for the original application
- existing conditions of consent (as modified)
- EA supporting the proposed modification (see **Appendix B**)
- submissions from government authorities and Council (see **Appendix B**)
- Proponent's response to issues raised in submissions
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are hazards and risk and air quality. The Department's assessment of other issues is provided in **Table 4**.

6.1 Hazards and risk

The handling and storage of DG materials presents various hazards and risks to the surrounding environment. The proposed modification would:

- involve changes to the Stage 4 warehouse area to include dilution, blending, mixing and dissolving activities
- introduce food grade products and other chemicals not considered during the original assessment
- increase the total quantity of Class 8(3) and Class 8(C1) corrosive substances to be stored at the Stage 4 warehouse area
- increase the largest package/container size used to hold Class 3 flammable liquids and Class 6 toxic substances to include IBCs.

The project is deemed a 'potentially hazardous industry' under the provisions of *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP33) as a higher quantity of Class 8(3) and Class 8 corrosive substances and food grade chemicals would be stored within the Stage 4 warehouse area and C1/C2 combustible liquids and Class 3 flammable liquids would be stored in IBCs.

The approved project only considered certain types of chemicals (Class 8 corrosive substances only) to be decanted within the Stage 4 warehouse area. The proposed modification would introduce dilution activities for Class 8(3) chemicals such as acetic acid and formic acid, which are corrosive and have a potential risk of being flammable. These chemical properties were not assessed in the original application for potential off-site impacts or on-site cumulative impacts.

A Preliminary Hazard Analysis (PHA) was undertaken to assess the potential risk to people, property and the environment as a result of the project. The PHA was prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No 6 – Guideline for Hazard Analysis* (HIPAP No 6).

The PHA identified the potential hazards and assessed the potential consequences of these hazardous incidents. By demonstrating the extent of the potential consequences from the site boundary, the PHA established whether the development would pose an unacceptable risk to surrounding land uses and whether it satisfies the relevant land use safety criteria defined in *HIPAP No 4 – Risk Criteria for Land Use Safety Planning* (HIPAP No.4).

The PHA identified the major hazardous incidents that may cause off-site safety or environmental impacts would be from releases of Class 8(3) chemicals such as formic and acetic acids during decanting and dilution operations,

and releases of flammable liquids from the overfilling of IBCs. These incidents may lead to fires involving flammable materials such as bund fires and pool fires.

The approved warehouses dedicated for Class 3 and Class 8 materials are designed and constructed with fire-rated walls and a gradual gradation on the side of the warehouse entrance to limit the spillages within the warehouses, which is similar to a bund. The PHA assessed the worst-case fire scenarios which considered bund fires covering the entire area of the warehouses.

The consequence for the release events discussed above were modelled and found:

- based on a worst-case scenario of a fire involving all Class 3 materials stored on-site, the heat radiation distance that could result in a fatality would remain within the site boundary
- risk of injury from heat radiation and explosion from a fire involving all Class 3 materials would not extend to residential and sensitive land uses. The closest resident is located around 195 m from the site
- risk of injury from heat radiation and explosion from a fire involving all Class 8(3) materials would not extend to residential and sensitive land uses
- on-site dilution activities are unlikely to result in additional risks beyond what has been assessed in the PHA and would not result in additional off-site impacts.

Safework did not comment on the modification request.

The Department has carefully considered the findings and recommendations of the PHA and is satisfied the consequences from the proposed modification would remain within the site boundary and is unlikely to result in off-site impacts. As such, it meets the relevant risk criteria, provided the Proponent implements all proposed risk reduction measures and recommendations in the PHA including engineering and management controls such as level installing indicators to prevent overfilling of tanks and appropriate bunding.

The Department recommends several conditions to ensure the facility continues to operate in a safe manner, including the requirement for the Proponent to update the site's existing fire safety study, emergency plan, safety management systems and transport of hazardous materials study. The Department has also recommended a condition requiring the Proponent to store all chemicals, fuels and oils used on-site in accordance with relevant Australian standards and EPA guidelines. The Department's assessment concludes the proposed modification would not increase the risk to surrounding land uses and can be managed, subject to the Proponent implementing all risk reduction measures and recommendations in the PHA and the recommended conditions in the modifying instrument.

6.2 Air Quality

The operation of the Stage 4 dilution and decanting areas has the potential to result in additional air quality and odour impacts at the nearest sensitive receivers due to alkali filling, acid filling and food grade products handling. The main sources of emissions would be venting of the bulk liquid storage tanks during filling and evaporative and transfer losses from the diluting/decanting tanks. These tanks would handle chemicals, including but not limited to, acetic acid, formic acid, sulfuric acid and sodium hydroxide.

The EA included an Air Quality Impact Assessment (AQIA) which modelled impacts for acetic and formic acids only as these chemicals have the highest potential for off-site impacts based on volatility. The AQIA noted acetic and formic acids would be representative of all other chemicals that may be diluted or decanted on-site and did not provide a quantitative assessment of other chemicals.

The AQIA found acetic acid would be 0.002 mg/m³ at the site boundary, which is below the EPA specified ground level criteria of 0.27 mg/m³, while formic acid would be 0.005 mg/m³. It should be noted there is no limit concentration for formic acid listed in the EPA's *Approved Methods for Modelling and Assessment of Pollutants in*

NSW(Approved Methods). Given the nearest residential receiver is 195 m west of the site in St Andrews, the AQIA concluded odour impacts from the modification would be negligible, provided emission controls such as scrubbers are installed. The Proponent has committed to installing scrubbers to control air and odour emissions from the bulk liquid storage tanks and diluting/decanting tanks in the Stage 4 warehouse area.

The EPA did not object to the proposed modification but noted the AQIA did not assess other potential pollutants such as sulfuric acid, which may be used in the decanting and mixing areas. The EPA requested the Proponent provide further justification for not assessing potential emissions from other chemicals and asked the Proponent to demonstrate the additional emission discharge points would comply with the relevant provisions of the *Protection of the Environment Operations (Clean Air) Regulation 2010* (Clean Air Regulation). The EPA also requested further information on the proposed scrubbers.

The Proponent's RTS provided a summary of chemicals to be used in the decanting area including their vapour pressures (a property that can inform the potential for vapour to form), and exposure standards referenced from Safework Australia. The RTS identified that although acetic acid, nitric acid and formic acids have high vapour pressures, the ground level concentrations for these acids are predicted to be lower than the relevant criteria in the Approved Methods and is unlikely to result in additional impacts. In terms of sulfuric acid emissions, the Proponent did not consider a quantitative assessment of sulfuric acid would be required given the low vapour pressure of sulfuric acid (compared to acetic acid) would likely result in emissions that are below the criteria for sulfuric acid. The EPA considered the Proponent's response and was satisfied the Proponent adequately addressed this issue.

The RTS also provided further information to show how discharge concentrations from the scrubbers particularly for sulfuric acid would comply with the requirements of the Clean Air Regulation. The EPA did not raise any further concerns but recommended post commissioning testing at the discharge points be undertaken to confirm compliance with the Clean Air Regulation.

The Department reviewed the Proponent's EA and RTS and the submissions from EPA and considers the proposed modification would result in negligible air quality and odour impacts, provided the proposed scrubbers for the dilution and decanting areas are designed and operated to treat emissions from the range of chemicals to be used. The Department agrees with the EPA's recommendation that post commissioning testing be undertaken on the scrubbers to ensure they comply with the Clean Air Regulation and has included this requirement in the development consent. As the development consent already contains conditions that require the Applicant to design, construct and operate a scrubber for the decanting area, the Department recommends these conditions be updated to reflect the scrubbers proposed under this modification.

The Department's assessment concludes that with the implementation of the Proponent's commitments, the proposed modification would not result in significant air quality impacts beyond what was assessed in the original application.

6.3 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Summary of other assessment issues

Issue	Findings	Recommended Condition
Deletion of Condition 5.8 – Stormwater Monitoring Program	Condition 5.8 requires the Proponent to prepare and implement a stormwater monitoring program for the development. The condition was imposed to ensure any surface water discharged off-site to Bow Bowing Creek is not contaminated from the on-site operations.	Require Condition 5.8 be amended: to remove references to the repealed Clean Water Regulation

Issue	Findings	Recommended Condition
	- The Proponent is seeking to delete Condition 5.8 as it considers stormwater monitoring is not required given all operational areas are fully bunded and would not come into contact with any run-off. - The Proponent also noted that since Condition 5.8 refers to the now repealed <i>Clean Water Regulation (Class R Classification)</i>, it has not undertaken any stormwater monitoring since 2014. - The EPA noted insufficient information was received, particularly the lack of recent stormwater monitoring to support the removal of Condition 5.8. - The Department agrees with the EPA and is unable to support the deletion of Condition 5.8 without any recent stormwater quality data to support the request. - The Department requested the Proponent provide further details of the processes and procedures in place to ensure compliance with section 120 of the <i>Protection of Environment Operations Act 1997</i> (POEO Act) to prevent water pollution. - The Proponent subsequently provided details of its emergency plan and pollution incident response management plan to demonstrate how it would manage spill incidents to comply with Section 120 of the POEO Act. - The Department recommends Condition 5.8 be modified to remove references to the now repealed <i>Clean Water Regulation (Class R Classification)</i> requirements. The Department has also recommended the condition be amended to allow the frequency of the monitoring to change, provided the Proponent can satisfactorily demonstrate its on-site operations do not impact on water quality. - The Department also recommends the Proponent update its existing stormwater management plan to reflect any changes to the monitoring and frequency of stormwater monitoring program. - The Department's assessment concludes the retention of Condition 5.8 would ensure the development can continue to have a minimal impact on the surrounding environment.	to adjust the frequency of the stormwater monitoring program.
Total storage quantity of DG	- The development consent currently permits the Proponent to store up to 15,845 t of chemicals, which comprises of: 11,195 t of non-DG materials 4,650 t of DG materials. - The Proponent is proposing to increase the total quantity of non-DG materials stored on-site by 4,600 t to a total of 15,795 t, while the total approved quantity of DG materials (i.e. 4650 t) would not change. This equates to a total storage quantity of 20,445 t, which is the amount the Proponent originally sought in the EIS for the original development application. - During the original assessment, the 20,445 t storage quantity was reduced to the approved quantity of 15,845 t as a result of the removal of bulk soda ash, which required 24 hour access. - Although the total quantity of DG materials (i.e. 4,600 t) would not change, the EA notes there would be a shift in the storage quantity of Class 8 corrosive substances that are stored in bulk and in packages to accommodate the proposed diluting activities. - The Department requested clarification on whether the non-DG materials proposed to be stored on-site would include bulk soda ash, however the Proponent confirmed it would not be seeking to store and handle bulk soda ash.	Recommend the modifying instrument include: a condition confirming the total storage quantities allowed on-site.

Issue	Findings	Recommended Condition
	- The Department is satisfied the additional quantity of non-DG materials stored on-site would only comprise of non-DG materials and food grade chemicals that were previously approved and are already stored on-site. - The Department has recommended a condition be included in the modifying instrument that confirms the approved total storage quantities for the development.	
Traffic	- The proposed modification would generate additional traffic movements during construction and operation which has the potential to significantly impact the surrounding road network. - During construction, the modification would generate approximately 54 heavy vehicle movements and ten light vehicle movements per day over a period of four months, which is expected to have a minor and temporary impact on the operation of the surrounding road network. - During operation, the EA indicated the modification would generate up to an additional 24 light vehicles (48 vehicle movements) and 20 heavy vehicles per day (40 heavy vehicle movements), of which 12 heavy vehicles would be carrying DG materials. The EA noted the peak hour trip generation would equate to an additional car trip every 12 minutes and an additional truck every hour, which could easily be absorbed into the surrounding road network. - The EA also proposed to alter the existing approved haul routes to include the Raby Road ramps onto the M31 Motorway. - The approved truck haul routes between the site and Sydney is via Holmes Road, Ben Lomond Road, Airds Road, Rose Payten Drive, Campbelltown Road and the M31 Motorway (see Figure 1). - RMS initially objected to modifying the approved haul routes as the Proponent did not adequately consider local amenity impacts, given the altered route would traverse residential areas. - In response, the Proponent withdrew this component and as such, RMS raised no further concerns regarding the modification. - The Department considers the amended proposal would not impact on the operation of the surrounding road network nor the local amenity of nearby residents. The Department notes the development consent already contains existing conditions to manage construction and operational traffic through the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP). - The Department's assessment concludes the potential traffic impacts would be acceptable. No additional conditions are required.	No additional conditions are required.
Wastewater and water treatment plant	- The proposed modification requires the operation of a water treatment and wastewater treatment plant. - The water treatment plant would be required to produce demineralised water, which would be used in the diluting operations. - The wastewater treatment plant would treat any washing or rinsing water from the diluting/decanting tanks before it is discharged to Sydney Water's sewerage system. - Sydney Water did not make a formal submission but in separate correspondence to the Proponent, Sydney Water confirmed that a trade waste agreement would be needed for the proposed modification. The Proponent confirmed it would organise a trade	No additional conditions are recommended.

Issue	Findings	Recommended Condition
	waste agreement with Sydney Water and has commenced separate discussions with Sydney Water on this issue. The Department is satisfied the proposed water and wastewater treatment plants would be designed to meet Sydney Water requirements. No additional conditions are recommended.	
Air quality – Construction	- During construction of the redesigned decanting and dilution area, dust emissions may be generated during minor earthworks and excavation. However, no demolition works are proposed. - The EA concluded any dust and particulate emissions would be minimal as the Proponent would implement a CEMP to manage key construction activities. - Council and EPA did not raise any concerns - The consent contains an existing requirement for the Proponent to implement a CEMP, which includes measures to monitor and manage dust emissions. - The Department considers any potential dust emissions would be short-term in nature and able to be managed on-site. The Department is satisfied air quality impacts can be adequately managed through the existing CEMP and has not recommended any additional conditions.	No additional conditions are recommended.



7. *Evaluation*

The Department has assessed the modification request, in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that:

- the proposed modification would result in minimal environmental impacts beyond those generated by the approved development
- the potential hazards and risk from the proposed modification would meet the Department's hazard risk criteria
- there is no change to the total quantity of DG materials that is permitted to be stored on-site and the additional quantities of non-DG materials would not include bulk soda ash
- the project would meet relevant air quality criteria at the nearest sensitive receivers
- operational traffic impacts associated with the increase in heavy vehicle would not impact on existing road conditions
- no submissions were received from neighbouring residents or previous submitters regarding the modification
- it is consistent with the strategic direction set out in the Region Plan.

Consequently, the Department is satisfied that the modification should be approved, subject to conditions.



8. Recommendation

It is recommended that the Director Industry Assessments, as delegate for the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determine** that the request (DA 367-11-2002-i MOD 3) falls within the scope of former section 75W of the EP&A Act
- **determine** that the environmental assessment requirements have been addressed
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the modification request
- **modify** the consent DA 367-11-2002-i
- **signs** the attached modification of approval (**Appendix A**)

Recommended by:

Pamela Morales
Senior Environmental Assessment Officer
Industry Assessments

Recommended by:

Joanna Bakopanos
Team Leader
Industry Assessments



9. Determination

The recommendation is **Adopted by:**

C. Ritchie

Chris Ritchie

Director

Industry Assessments

1/10/19



Appendices

Appendix A – Notice of Modification

Appendix B – List of Documents

- Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9009

- Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9009

- Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9009