

ASSESSMENT REPORT

Section 75W Modification Visy Kraft Pulp and Paper Mill, Tumut – Truck Refuelling Facility (DA 06/98 MOD 3)

1. BACKGROUND

On 29 November 1998, the then Minister for Urban Affairs and Planning granted development consent to Visy Industries Pty Ltd (Visy, the Applicant) for the construction and operation of a kraft pulp and paper mill at Tumut, NSW (see Figure 1).

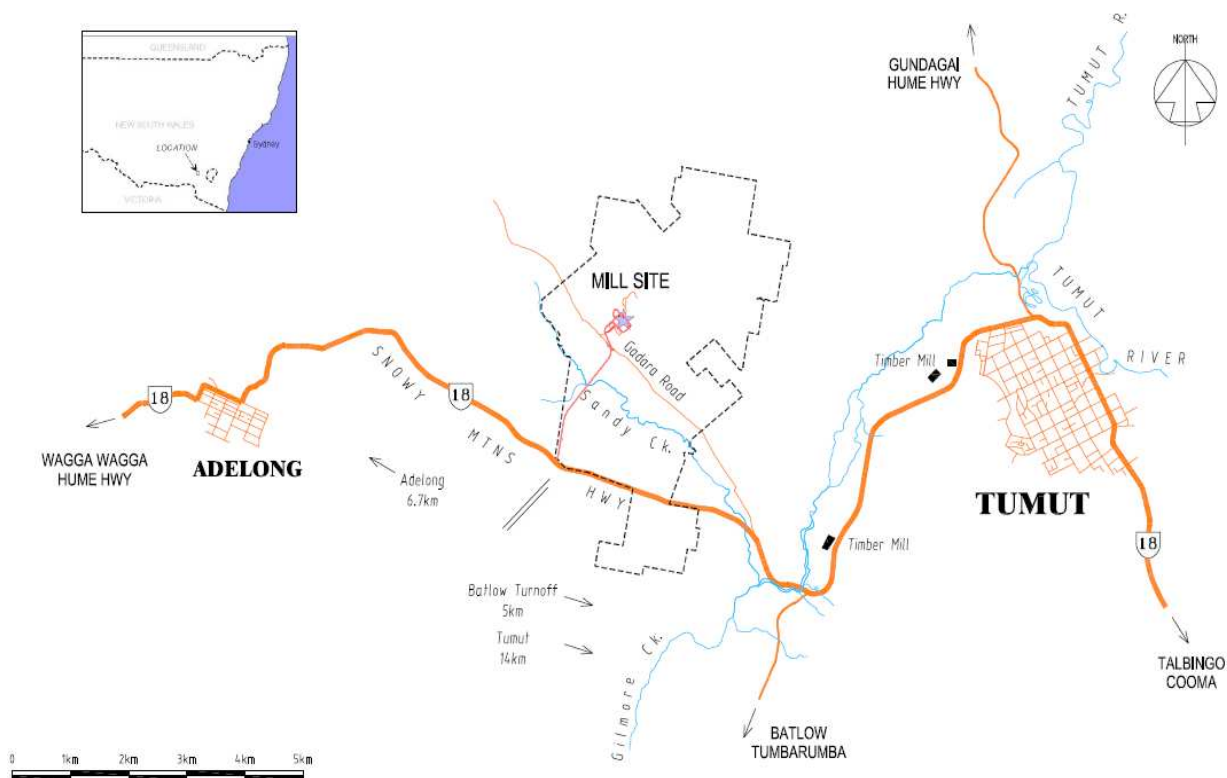


Figure 1: Site Location Plan

Since the approval, the Minister has approved two modifications to the 1998 consent:

- Mod 1 - which involved changes to the water supply, freshwater storage, wastewater treatment and re-use, and winter storage elements of the Project in accordance with a revised water management strategy. It also included changes in the auxiliary fuel source from LPG (propane) to Natural Gas (NG) which involved the construction of an underground NG pipeline link; and
- Mod 2 - to allow for the use of urban wood residues and compost manufacturing residues as non-standard wood fuel in the power boiler.

In April 2007, the Minister granted approval to the expansion of Visy operations at Tumut and an increase in its production capacity from 300,000 tonnes per annum to 700,000 tonnes per annum (MP 06_0159). This approval operates in conjunction with the 1998 consent.

Visy has now lodged an application with the Department to modify Development Consent 06/98 under section 75W of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to install a diesel refuelling facility at the site.

Visy is seeking approval to install a diesel refuelling facility adjacent to the main access point to the site. The project would include the following components:

- installation of two (2) 110,000 litre above ground diesel tanks;
- construction of two (2) dispensing units and a containment slab;
- construction of a canopy structure;
- installation of a wastewater treatment plant;
- internal road works to provide a one way entry and exit to the refuelling area; and
- installation of signage.

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Figure 2: Site Layout Plan

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The proposed tanks would be 'self bunded' double-walled structures, to prevent the spilling of liquid in the event of a tank failure. The tanks would also be equipped with a number of safeguards in accordance with AS 1940-2004, all of which would be designed to stop uncontrolled release of the fuel.

Visy also proposes to install signage at the refuelling facility, in order to comply with signage requirements in AS 1940-2004 and as detailed in the Risk Assessment and Hazard Analysis (Hazkem, July 2012) submitted by Visy. The signs include a combustible liquid and a HAZCHEM sign.

The site layout and modification components are shown in Figures 3 to 5.

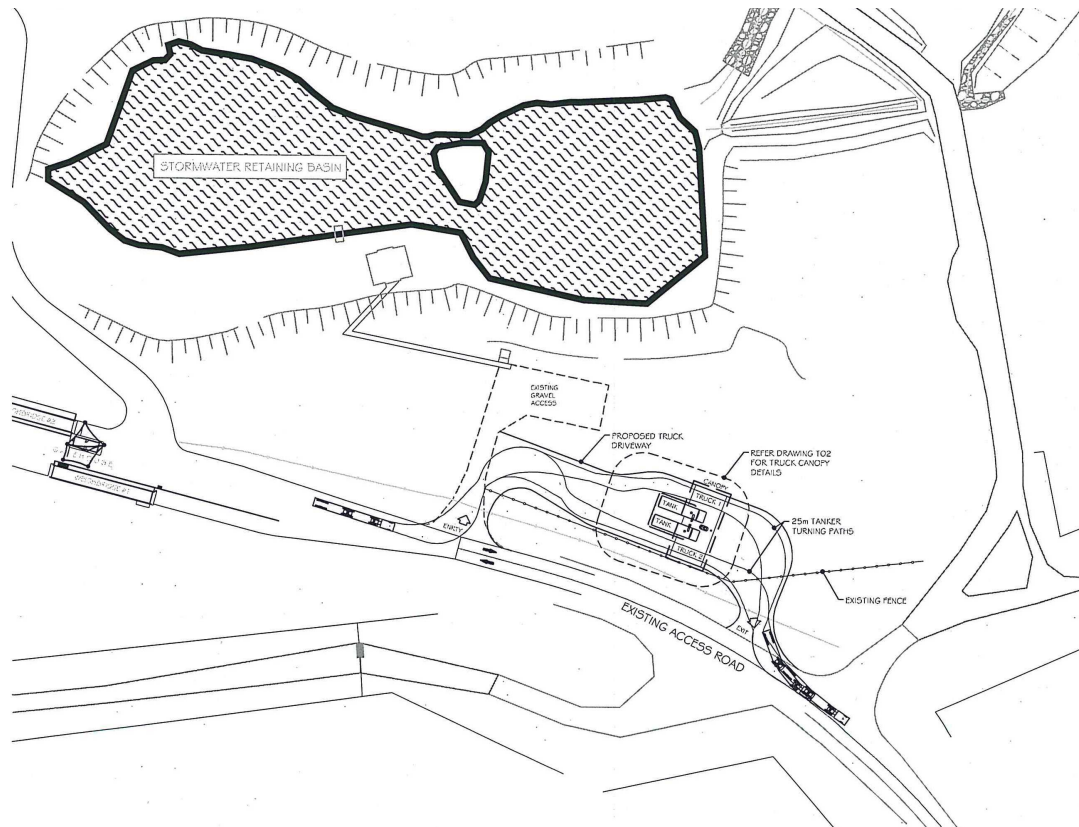


Figure 3: Refuelling Facility Plan

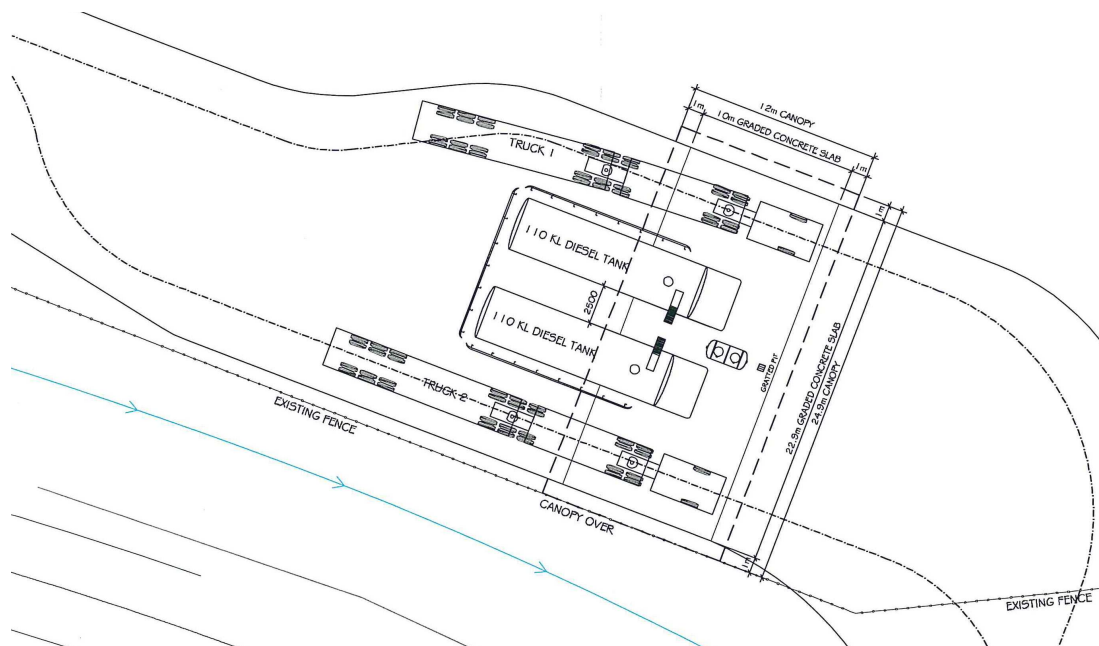


Figure 4: Truck Canopy Plan

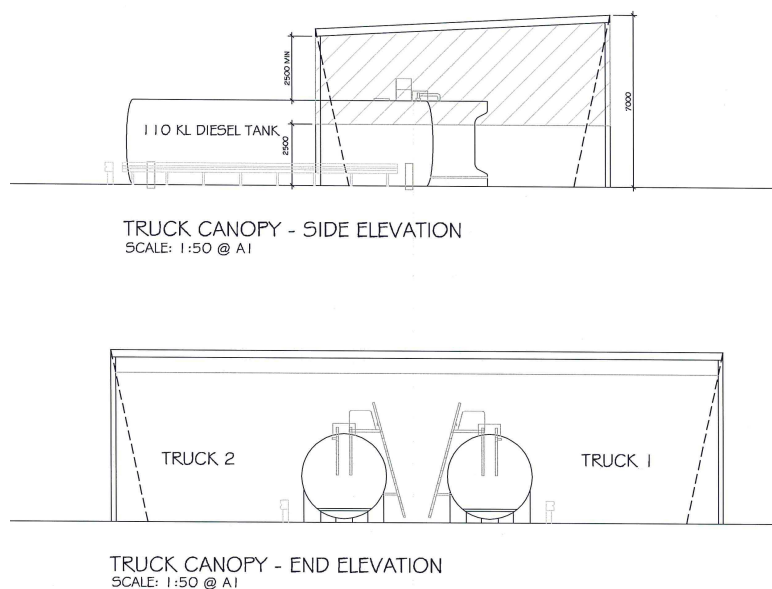


Figure 5: Truck Canopy Elevations

3. STATUTORY CONTEXT

Section 75W

In accordance with Clause 12 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Under Section 75W of the EP&A Act, the Minister is obliged to be satisfied that what is proposed is indeed a modification of the original proposal, rather than being a new project in its own right.

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, it is considered that the proposed modification is within the scope of section 75W of the EP&A Act. Consequently, the Department considers that the application should be assessed and determined under Section 75W of the EP&A Act rather than requiring a new development or project application to be lodged.

Approval Authority

The Minister was the approval authority for the original project approval, and is consequently the approval authority for this application.

The Executive Director, Major Projects Assessment, may determine this application on behalf of the Minister in accordance with the Minister's delegation dated 14 September 2011, subject to the following:

- where the relevant local Council/s has not made an objection;
- where a political donations disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

The Department is satisfied that the application meets the terms of the delegation and that the Executive Director may determine the application under delegated authority.

4. CONSULTATION

In accordance with 75W of the EP&A Act, the Department made the application publicly available on its website and consulted with Tumut Shire Council (TSC), the Environment Protection Authority (EPA) and Workcover. A summary of the issues raised in submissions is provided below.

4.1 Agency submissions

Workcover did not object to, or raise any concerns with the proposed modification given that diesel fuel is not a flammable material. Further, WorkCover advised that the facility is not a major hazards facility.

Tumut Shire Council (Council) did not object to the installation of the refuelling facility and advised that it would rely on the EPA to address any environmental concerns. Notwithstanding, Council did provide comment on truck manoeuvrability in the vicinity of the refuelling facility and the T-intersection at Gadara Road suggesting that vehicle turning paths for a 36m articulated vehicle should be provided to ensure there are no safety concerns.

The **EPA** did not object to the proposed modification, however, it did provide advice in relation to wastewater discharge. The EPA advised that the proposed water treatment unit has been designed to discharge treated effluent into a nearby drain and then off site. Under the requirement of the *Protection of Environment Operations Act 1997* (POEO Act) it would be necessary to licence the discharge point. The EPA would require an additional discharge point to be added to Visy's environmental protection licence (EPL 10232). Alternatively, the discharge from the refuelling facility could be pumped to Visy's existing wastewater treatment system.

All of the issues raised in submissions are addressed below.

5. ASSESSMENT

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

- the EA, and Director-General's assessment report for the approved project;
- existing conditions of approval;
- all documentation supporting the proposed modification;
- all issues raised in submissions on the proposed modification;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the Act.

In regard to the proposed modification, the Department considered the key environmental issues to be wastewater treatment and internal traffic access/circulation. The assessment of all issues associated with the proposed modification is outlined in Table 1.

5.1 Issues

Table 1: Assessment of Issues

Issue	Assessment	Recommendation
Traffic and Access	▪ The proposed facility would enable existing vehicles servicing Visy (heavy and potentially some light vehicles) to refuel onsite. As such, there would not be any additional traffic generated as a result of the proposed modification. ▪ Visy's existing site access road is currently two-way. As part of the modification, a one-way access (loop) road would be constructed. ▪ The location of the refuelling facility is adjacent to the site entry/exit and vehicles leaving the site would have the option of accessing the refuelling facility or exiting the site directly. ▪ Council raised concerns regarding truck manoeuvrability in the vicinity of the refuelling facility exit and the T-intersection at Gadara Road, suggesting that vehicle turning paths for a 36m articulated vehicle should be provided to ensure there are no traffic/access safety concerns. ▪ In response to Council's concerns, Visy advised that, prior to commencing construction, it would submit detailed plans and turning paths to the Department for approval, that demonstrate that there would be no safety or manoeuvrability issues. ▪ The proposed modification would not change the existing site access arrangements. Further, the refuelling facility would only be accessed when exiting the site. ▪ The Department considers that the proposed modification would not impact on the surrounding road network, nor would it	Recommended conditions require Visy to: ▪ Ensure that the refuelling facility is only utilised by Visy contracted vehicles and fuel is not sold for retail purposes; ▪ submit detailed design plans and vehicle turning paths for the access road servicing the facility, that: - include details of any onsite traffic management signage; - are prepared in accordance with the 2006 <i>Austrroads Design Vehicles and Turning Path Templates</i> to accommodate 36m articulated vehicles; - are prepared in consultation with Council; and

Issue	Assessment	Recommendation
	significantly impact the internal traffic and access arrangements on site. Notwithstanding, the Department has recommended that prior to commencement of any construction works associated with the refuelling facility, Visy be required to submit detailed design plans and vehicle turning paths for the access road servicing the facility. Further, that Visy submit a revised Traffic Management Plan (TMP) for the site that incorporates the proposed modification.	submit a revised Traffic Management Plan that incorporates the refueling facility operations and address driver conduct.
Wastewater	- The refuelling area would be covered by a canopy to divert uncontaminated rainwater into stormwater drains thereby minimising the amount of rainwater entering the wastewater treatment system. - The containment area under the canopy would be graded to direct any wastewater from the refuelling area into a wastewater treatment system. - The wastewater treatment system is designed to separate the oil and grease from the water before the treated wastewater is discharged to a nearby drain and then off site. - The EPA advised that under the requirements of the POEO Act, it would be necessary to licence the discharge from the facility. An additional discharge point would need to be added to Visy's EPL with a limit for oil and grease of 10 milligrams per litre and a quarterly monitoring frequency. - Visy has confirmed that treated wastewater, once passed through the treatment system, would discharge back into the stormwater culvert which is located approximately 50 metres from the refuelling area and then off site. As such Visy would be required to submit an application to the EPA to amend their EPL. - The Department and EPA are satisfied that wastewater from the proposed modification would be adequately managed through the installation of the proposed wastewater treatment system and a licensed discharge point.	Recommended conditions require Visy to: ensure that any discharge from the refuelling facility is licensed with the EPA.
Hazards and Risk	- Visy proposes to install two above ground diesel fuel storage tanks each with a capacity to store 110,000L of diesel fuel. The tanks would be located within a containment area and under a canopy structure. - The tanks would be 'double walled structures which would prevent the spilling of liquid in the event of a tank failure. The outer tank space would be arranged such that it could be monitored for leaks and they would be equipped with a number of safeguards in accordance with AS 1940-2004. - Visy undertook a hazards screening analysis of the tank design against the Code of Practice for compliance with Australian Standard 1940:2004 - <i>The Storage and Handling of Flammable and Combustible Liquids</i>. Compliance with the Code requires the implementation of mandatory measures such as emergency provisions, signage, venting and bunding provisions. - The Department considers the analysis to be adequate and is satisfied that the proposed facility is not Potentially Hazardous Development. Notwithstanding, the Department has recommended that Visy: - ensure that the refueling facility is designed in accordance with the relevant Australian Standards (AS 1940-2004) and the Risk Assessment and Hazards Analysis dated July 2012; - implement the requirements of the Risk Assessment and Hazards Analysis dated July 2012; and - prepare and implement a revised emergency plan and safety management system, in consultation with the emergency services and to the satisfaction of the Director-General, that deals with emergencies associated with the storage and handling of dangerous goods.	Recommended conditions require Visy to: - ensure that the refuelling facility is designed in accordance with the relevant Australian Standards (AS 1940-2004) and the Risk Assessment and Hazards Analysis dated July 2012; - implement the requirements of the Risk Assessment and Hazards Analysis (2012); and - prepare and implement a revised emergency plan and safety management system.
Visual	The refuelling facility incorporates two above ground diesel tanks with a 7 metre high canopy covering the refuelling area. The proposed canopy would be 12m x 24.9m with a footprint of 299m².	No recommended conditions.

Issue	Assessment	Recommendation
	▪ The height of the canopy is consistent with other service facilities within the Visy site designed to accommodate B-double trucks. ▪ The proposed signage is required in order to comply with the requirements of AS 1940-2004 as detailed in the Risk Assessment submitted by the Visy. ▪ The visual impact of the proposed modification is in context with the rest of the site and not considered to be significant. ▪ The Department considers that the visual impacts of the proposed modification would be minor. No additional conditions are recommended.	
Construction Impacts	▪ Construction of the refuelling facility would take approximately 6-8 weeks. ▪ Given the nature and duration of the construction works, and given that the closest private receptor is over a kilometre from the site, the Department considers the potential construction impacts to be minor and able to be managed through existing conditions of approval.	No recommended conditions.

Based on the above assessment, the Department is satisfied the proposed modification would result in minimal environmental impacts beyond those issues identified and managed through the original project approval and with amended conditions of consent.

6. CONCLUSION

The Department has assessed the proposed modification in accordance with the requirements of clause 8B of the Regulations. This assessment has found that the proposed modification would:

- result in minimal environmental impacts beyond the approved facility;
- allow a new refuelling area to be constructed at the Visy site with minimal disruption to the existing pulp and paper mill operations; and
- improve the operational efficiency of the facility.

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

7. RECOMMENDATION

It is RECOMMENDED that the A/Executive Director, Major Projects Assessment:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification is within the scope of section 75W of the EP&A Act;
- **approve** the application subject to conditions; and
- **sign** the attached notice of modification (see Tag 'A').

Christine Chapman
Mining & Industry Projects
Major Development Assessment


Chris Ritchie
Manager - Industry
Mining and Industry Projects

 5/10/12
David Kitto
A/Executive Director
Major Projects Assessment