

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF DEVELOPMENT APPLICATION

In pursuance of Section 101 of the Environmental Planning and Assessment Act, 1979 I determine the development application referred to below by granting consent to that application subject to conditions set out in the Schedule.

The reasons for the imposition of the conditions is to minimise the adverse impact the development may cause.



**BOB CARR
Minister for Planning
and Environment**

Sydney *2 Feb, 88*

Application made by: Powell Duffryn Terminals Pty Ltd

to: Randwick Municipal Council

**in respect to: Lot 5, D.P. 251079, 49 Friendship Road,
Matraville**

for the: Erection of one additional 570 cubic metre tank and eight additional 400 cubic metre tanks with associated piping, pumping and other facilities as generally described in the development application to Randwick Municipal Council No. 840/49/D - 322/87 dated 1st October 1987 and the associated environmental impact statement prepared by Sinclair Knight and Partners and dated 1 October 1987.

SCHEDULE

CONDITIONS

Hazard Operability Study

- (1) That, within six (6) months of the date of consent to the proposed development or such further period as the Director of the Department of Environment and Planning (hereinafter called "the Director") may agree, the Applicant shall submit for the approval of the Director, and the Chief Inspector for Dangerous Goods a hazard and operability study of the detailed final design of the proposed development, as well as the existing development, such hazard and operability study to be prepared at the Company's expense by an qualified consultant to be appointed by the applicant and approved by the Director. Further, the applicant shall comply with all reasonable requirements of the Director and the Chief Inspector for Dangerous Goods in respect of the implementation of any measures arising from the subject approval, and within such time as may be required by the Director and the Chief Inspector for Dangerous Goods;

Risk Assessment

- (2) That, within six (6) months of the date of granting consent to the proposed development or such further period as the Director may agree, the Applicant shall submit for the approval of the Director an updated Hazard analysis and risk assessment study of the detailed design and layout of the proposed development, as well as the existing development, accounting for all modifications implemented as a result of the hazard operability study referred to in (1) above. Such study to be conducted at the Company's expense by an independent qualified consultant appointed by the applicant and approved by the Director. Criteria as set out hereunder shall apply:

- (i) maximum allowable heat flux risk levels for adjacent facilities shall not exceed 23 kW/m² at maximum frequencies of 50 in one million;

- (ii) in-plant fire accident propagation potential estimated in terms of 25 kW/m^2 should not exceed 50 in one million.
- (iii) overall fatality risk levels at residential areas shall not exceed one in one million per person per year;
- (iv) the incident heat flux risk at residential areas shall not exceed 4.7 kW/m^2 at a maximum frequency of 50 in one million per year;
- (v) toxic gas concentrations likely to endanger life and welfare at residential areas shall not be exceeded at a maximum frequency of 10 in one million per year;

**Emergency
Planning**

- (3) That, prior to the commencement of operation the Applicant shall prepare and submit for the approval of the Director a comprehensive emergency plan and detailed emergency procedures in respect of the proposed development, as well as the existing development, including all matters relating to the transfer by pipeline, the storage of and the distribution by road tankers, of bulk liquid chemicals. Further, the applicant shall comply with any requirement of the Director in respect of the implementation of any measures arising from the subject approval, and within such time as may be required by the Director;

**Construction
Safety**

- (4) That at least one month prior to the commencement of construction, the Applicant shall prepare and submit for the Director's approval comprehensive organisational and operational safety procedures to be implemented on-site during the construction period. Further, the Applicant shall comply with any requirement of the Director in respect of the implementation of any measures arising from the subject approval, and within such time as required by the Director;

Fire Study

(5) That, within six (6) months of the date of consent to the proposed development or such further period as the Director may agree, the Applicant shall prepare and submit for the approval of the Director and the New South Wales Board of Fire Commissioners, a fire safety study covering both the existing and proposed bulk liquid storage facilities (but excluding the JORTL facility), which study shall include an investigation of the following matters:-

- (i) An outline of all fire prevention, protection and fighting measures and appliances;
- (ii) details of the type, capacity and existing, or proposed location upon the site of all appliances and the reason for their suitability as proposed;
- (iii) on-site fire water storage capacity methods and rates of application and location of connections for fire fighting purposes;
- (iv) provisions of any other fire prevention, protection and fighting measures or methods;
- (v) any insulation of critical support structures and pipelines using heat resistant material.

Further, that the applicant shall comply with any requirements of the Director and the Board of Fire Commissioners in respect of the implementation of any measures arising from the said study within such time as may be required by the Director and the Board of Fire Commissioners;

Fire Fighting

(6) That operations of the new plant shall not commence until such time as the fire water supply and equipment on the site has been provided to the satisfaction of the Director and the Board of Fire Commissioners. Further, the applicant shall comply with the reasonable requirements of the Board of Fire Commissioners in relation to fire prevention, protection and fire fighting;

Hazard audit

- (7) That the Applicant shall retain the services of a qualified hazard auditor to be approved by the Director for the purposes of carrying out an annual comprehensive hazard audit of the proposed development. Further, the Applicant shall forward to the Director and to the Chief Inspector for Dangerous Goods a copy of such Report. **AND** Further, shall carry out any requirement of the auditor within such time as required by the Director or the Chief Inspector for Dangerous Goods;

**Dangerous Goods
Movements**

- (8) Prior to the commencement of operation of the proposed development the applicant shall, following consultation with Randwick, Rockdale and Botany Municipal Councils, determine routes for the movement of tankers in accordance with the requirements of the Director and shall take appropriate action to ensure that the tanker drivers use the specified routes;
- (9) That except in the event of an emergency, or with the specific approval of Council, there shall be no movement by truck of products in or out of the facility between the hours of 11.00 p.m. and 6.00a.m.;
- (10) That the applicant shall ensure that all tankers:
- (a) waiting to be loaded or unloaded stand entirely within the site;
 - (b) waiting to be loaded or unloaded shall be parked in such a manner as to ensure that there is free access around the site for fire vehicle appliances for emergency purposes, and;
 - (c) being loaded and unloaded are not unduly delayed on the site;
- (11) That the maximum number of road tankers parked on the site at any one time shall be determined as a consequence of the Hazard Analysis considerations referred to in Condition (2) above and emergency procedures referred to in Condition (3) above;

Monitoring

- (12) That the applicant shall carry out all those operating and monitoring measures as described and specified in the Environmental Impact Statement to prevent, minimise or ameliorate adverse environmental impact except that where there is inconsistency between the said measures and the conditions of this consent or the reasonable requirements of the authorities referred to herein, the conditions of this consent or the authorities' requirements shall prevail;

Lighting

- (13) That the Applicant shall ensure that the lighting of the site is so designed and installed as to cause no nuisance by glare to either the surrounding area or to aircraft;

Signs

- (14) That the Applicant shall not erect any advertising structure on the site or in conjunction with the proposed development without the prior consent of the Council;

**Transport
Records**

- (15) That the Applicant shall collect and maintain records of dangerous goods movements into and out of the site, and shall, twelve (12) months after the date of this consent and thereafter annually, furnish the Council and the Department of Environment and Planning with this information;

Spillage

- (16) That the Applicant give a written undertaking, satisfactory to the Director, that, in the event of any spillage of flammable or hazardous liquids, the transfer of any products whatsoever to within or from the overall development shall cease until the contamination and/or spillage is removed and the area cleaned. Further, the Applicant shall maintain a log in which all such spillages are recorded and, on an annual basis, forward a copy of such record to the Director;

Reports

- (17) That the Applicant shall prepare and submit to the satisfaction of the Director reports in respect of the implementation and effectiveness of the conditions contained in the consent to the proposed development and shall bring to the Director's notice those matters which the Applicant considers may require further investigation. Further, that upon receipt of the Director's

reasonable instructions arising out of any such report, the Applicant shall proceed to implement those instructions to the reasonable satisfaction of the Director. The first report shall be submitted one year from the date of the granting of consent to the proposed development and thereafter a report shall be submitted at annual intervals until such time as the Director notifies the applicant that such reports are no longer required;

Security

- (18) The overall site shall be manned at all times by a person who is familiar with the site installations and operation and is adequately trained in safety, emergency and security procedures;

D.I.R.

- (19) That the applicant shall comply with the requirements of the Department of Industrial Relations under its relevant Acts and Regulations;

S.P.C.C.

- (20) That the applicant shall obtain from the State Pollution Control Commission, all statutory approvals required under the Clean Air, Clean Waters and Noise Control Acts and at all times meet the requirements imposed by the Commission in accordance with those Acts;

Drainage

- (21) That the applicant shall at the time of lodgement of the building application for the proposed development with Randwick Municipal Council, submit for the approval of the Council drainage details including those for the dissipation of on-site water;

Cleaning

- (22) Provision shall be made for the premises to be maintained in a clean and tidy state at all times.

Dispute

- (23) That where a condition requires the satisfaction of the Council or any other public body other than the Department, and a dispute arises between that body and the applicant, the dispute will be settled by the Department, with the Director (or his nominee) acting as arbiter.