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# SEPP 33 RISK SCREENING ASSESSMENT

Tomago Asphalt Batching Plant
25 to 27 Kennington Drive, Tomago

for

COLAS New South Wales Pty Ltd

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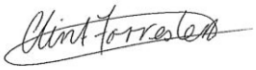
| Our Ref: 20/0462 | September 2021 |
| Project | Tomago Asphalt Batching Plant<br>25 to 27 Kennington Drive, Tomago |
| Client | COLAS New South Wales Pty Ltd |
| Author | Clint Forrester<br>Planner<br>BDevStud, PIA (Graduate) |
| Signature |  |
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This report was prepared by Monteath & Powys Pty Ltd.

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# 1. INTRODUCTION

This SEPP 33 Risk Screening Assessment has been prepared on behalf of COLAS New South Wales Pty Ltd (COLAS) by Monteath & Powys Pty Ltd. This assessment is to accompany a Modification Application to NSW Department of Planning, Industry and Environment (DPIE) to increase the total output of the approved Asphalt Batching Plant located at 25 to 27 Kennington Drive, Tomago, from 150,000 tonnes per year to up to 250,000 tonnes per year.

The Asphalt Batching Plant is not considered a Scheduled Activity under the *Protection of the Environment Operations Act 1997* (POEO Act) under provisions of the *Protection of the Environment Operations (General) Regulations 2009*.

Although not specifically identified as a potentially hazardous or offensive industry under SEPP 33 or associated guidelines, the proposal has undergone a screening assessment for completeness.

## 1.1 SITE LOCATION

The subject site is located in the Port Stephens Local Government Area, in a Community Title Subdivision known as 'Hunter Industrial Park' located in the suburb of Tomago, being well placed within the Hunter Region. Adjoining land uses surrounding the site are also for the purposes of general industrial development.

The subject site consists of two lots being Lots 14 and 15 DP 270494 comprising an area of approximately 5,005m$^2$. The site is adjacent to a Materials Storage and Processing Yard which is also owned and operated by COLAS (**Figure 1**). The general site layout is depicted in **Figure 2**.

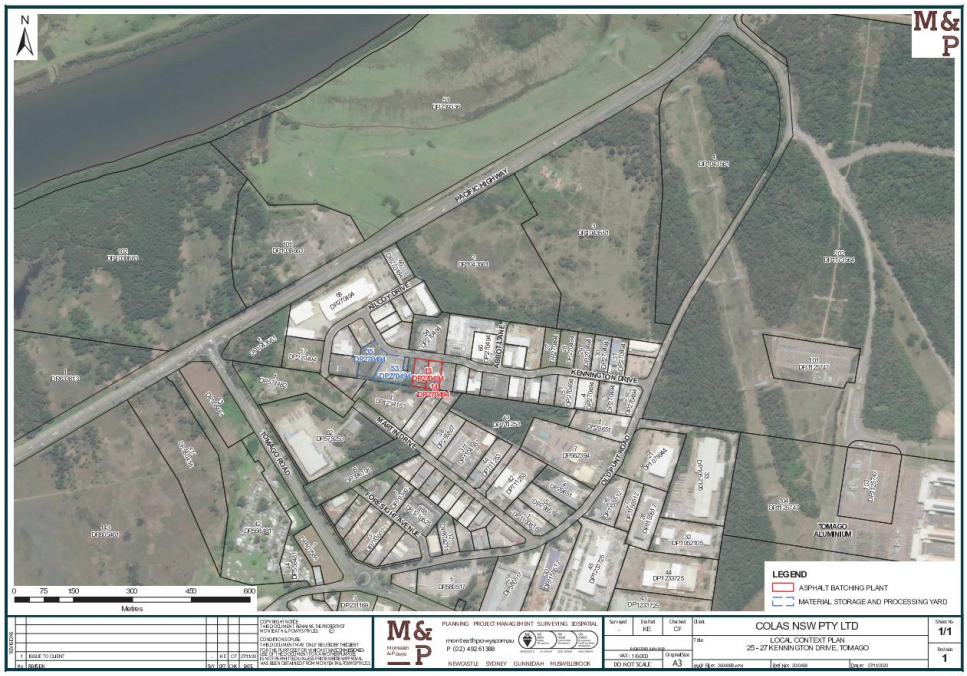


***Figure 1:*** *Local Plan.*

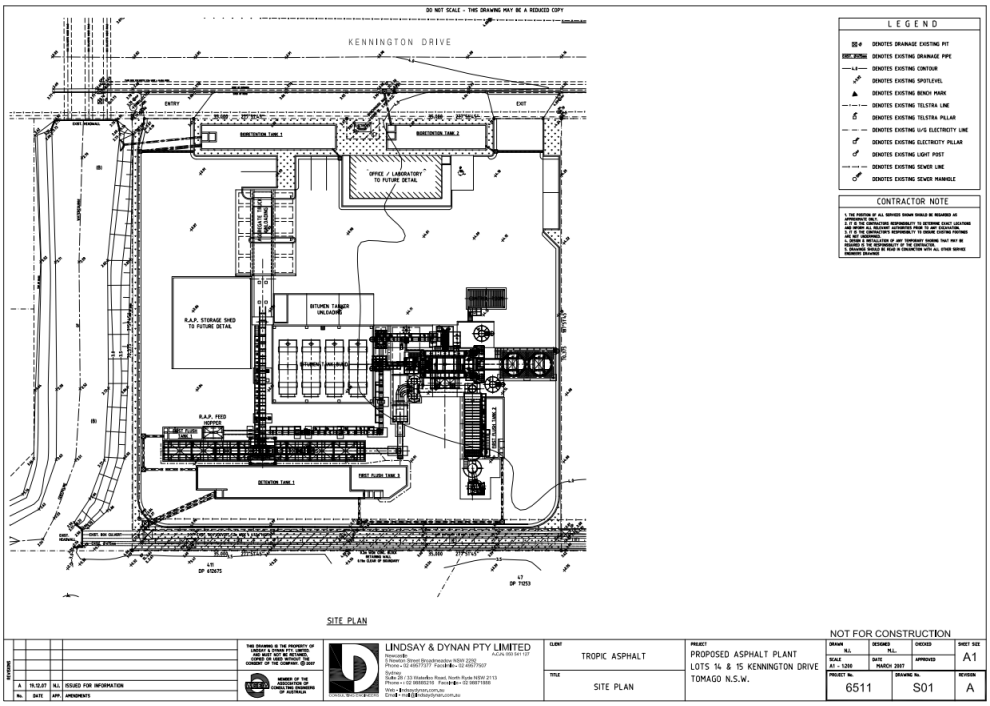


***Figure 2:*** *Site Plan (Source: Lindsay Dynan - Not Final Construction Plan)*

### 1.2 PROPOSED DEVELOPMENT

The Modification Application seeks approval for the following (the Proposal):

- To increase the output of asphalt from 150,000 tonnes per year to up to 250,000 tonnes per year. This increase does not involve an increase in size of the overall plant, rather seeks to increase the utilisation of the plant's existing capability.

- No construction works or changes to the approved hours are sought as part of this proposal.

As part of the Modification Application, an Air Quality and Acoustic Assessment have also been completed. These assessments are attached as part of the Modification Report prepared by Monteath & Powys.

## 2. STATUTORY CONSIDERATIONS

**Protection of the Environment Operations Act 1997**

The Asphalt Batching Plant is not considered a Scheduled Activity under the *Protection of the Environment Operations Act 1997* (POEO Act) under provisions of the *Protection of the Environment Operations (General) Regulations 2009*.

**State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

State Environmental Planning Policy (SEPP) 33 was gazetted in 1992 to ensure the protection of the community and environment from hazardous and offensive industries.

The objectives of SEPP 33 include:

- To amend the definitions of hazardous and offensive industries, where used in environmental planning instruments.
- To render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy.
- To require development consent for hazardous or offensive development proposed to be carried out in the Western Division.
- To ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are considered.
- To ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.
- To require the advertising of applications to carry out any such development.

Under Clause 12 of the SEPP, a development for the purposes of a potentially hazardous industry must prepare a Preliminary Hazard Analysis (PHA) in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.

Although not specifically identified as a potentially industry under the SEPP or the guideline, the proposal has undergone a screening assessment for completeness.

**Hazardous Industry Planning Advisory Papers:**

There are a number of Hazardous Industry Planning Advisory Paper's (HIPAP's) produced by the NSW Department of Planning which need to be considered in the preparation of a Hazard Analysis. These include:

- HIPAP No. 1 - Industry Emergency Planning Guidelines.
- HIPAP No. 2 - Fire Safety Study Guidelines.
- HIPAP No. 3 - Risk Assessment.
- HIPAP No. 4 - Risk Criteria for Land Use Planning.
- HIPAP No. 5 - Hazard Audit Guidelines.
- HIPAP No. 6 - Guidelines for Hazard Analysis.
- HIPAP No. 7 - Construction Safety Studies.

- HIPAP No. 8 - HAZOP Guidelines.
- HIPAP No. 9 - Safety Management System Guidelines.
- HIPAP No. 10 - Land Use Safety Planning.
- HIPAP No. 11 – Route Selection.
- HIPAP No. 12 – Hazards Related Conditions of Consent.

**Other SEPP 33 Guidelines:**

The major policy and guideline that accompanies SEPP 33 is the Department of Planning's *Applying SEPP 33: Hazardous and Offensive Development Application Guidelines*. Applying SEPP 33 was originally published in 1994. In 2008, the Department of Planning exhibited a draft of an updated version of Applying SEPP 33. This was finalised in 2011. This document has been considered in preparing this PHA.

The then Department of Urban Affairs and Planning (DUAP) also produced a guideline in 1997 titled Multi-Level Risk Assessment. This guideline has been considered where required.

### 2.1 SCOPE AND LIMITATIONS

Monteath & Powys has prepared this assessment on the basis of information provided by COLAS and others who provided information to support the assessment. Monteath & Powys has not independently verified or checked beyond the agreed scope of work for the materials stored on the subject site. Monteath & Powys does not accept liability in connection with such unverified information, including errors and omissions in the assessment which were caused by errors or omissions in that information.

## 3. RISK SCREENING ASSESSMENT

Under SEPP 33, a risk screening assessment is used to determine if a project is potentially hazardous using the SEPP 33 risk screening process or potentially offensive using the licensing requirements. The assessment has therefore been undertaken in two parts as follows:

- Part 1 – Potentially Hazardous; and
- Part 2 – Potentially Offensive.

### 3.1 ASSESSMENT APPROACH PART 1 – POTENTIALLY HAZARDOUS

Under SEPP 33, any development which is likely to be hazardous or offensive must be assessed to examine the potential risk to the environment and community of the project. The first stage of the SEPP 33 process is to prepare a risk screening assessment. Guidelines produced by the Department of Urban Affairs and Planning (DUAP) and the Department of Planning (DoP) identify a number of 'threshold limits' for certain classes of dangerous goods. If an amount of a substance (e.g. fuel) which is identified on the Australian Dangerous Goods (ADG) register exceeds the 'threshold limits' identified in the SEPP 33 guidelines, then a Risk Assessment of the hazard is required. If the amount of a substance does not trigger the 'threshold limits' then a Risk Assessment is not required under SEPP 33. Notwithstanding, products must be stored, transported or used in accordance with the manufacturer's specifications and / or Australian Standards if they apply.

*The Hazardous Industry Planning Advisory Paper (HIPAP) No. 6: Hazard Analysis* produced by the DoP states that the Department has produced an integrated hazards related assessment process which comprises:

**Prior to Approval:**

- A preliminary hazard analysis undertaken to support the development application by demonstrating that risk levels do not preclude approval.

**Post Approval:**

- A hazard and operability study, fire safety study, emergency plan, and an updated hazard analysis undertaken during the design phase of the project.

- A construction safety study carried out to ensure facility safety during construction and commissioning, particularly when there is interaction with existing operations.

**Operational Phase:**

- Implementation of a safety management system to give safety assurance during ongoing operation.

- Regular independent hazard audits to verify the integrity of the safety systems and that the facility is being operated in accordance with its hazards-related conditions of consent.

There are a number of other pieces of legislation and standards which ensure hazards on sites are managed appropriately and that any potential environmental harm from materials located on site is minimised. This includes (but is not limited to):

- Work Health and Safety Act 2011.
- Work Health and Safety Regulation 2017.
- AS 1940 The storage and handling of flammable and combustible liquids.

### Impact Assessment

Risk screening is the first stage of a Preliminary Hazard Analysis identified under SEPP 33. As the name suggests, risk screening attempts to identify (i.e. screen) any potential risks associated with the hazardous materials that may be stored on a site.

Risk screening identifies whether the location and / or amount of hazardous goods stored on site is a 'potential' risk and therefore further assessment is required to identify mitigation and management measures for that risk.

The following flow chart (**Figure 3**) outlines the SEPP 33 risk screening process in determining whether a proposal is considered a hazardous development.

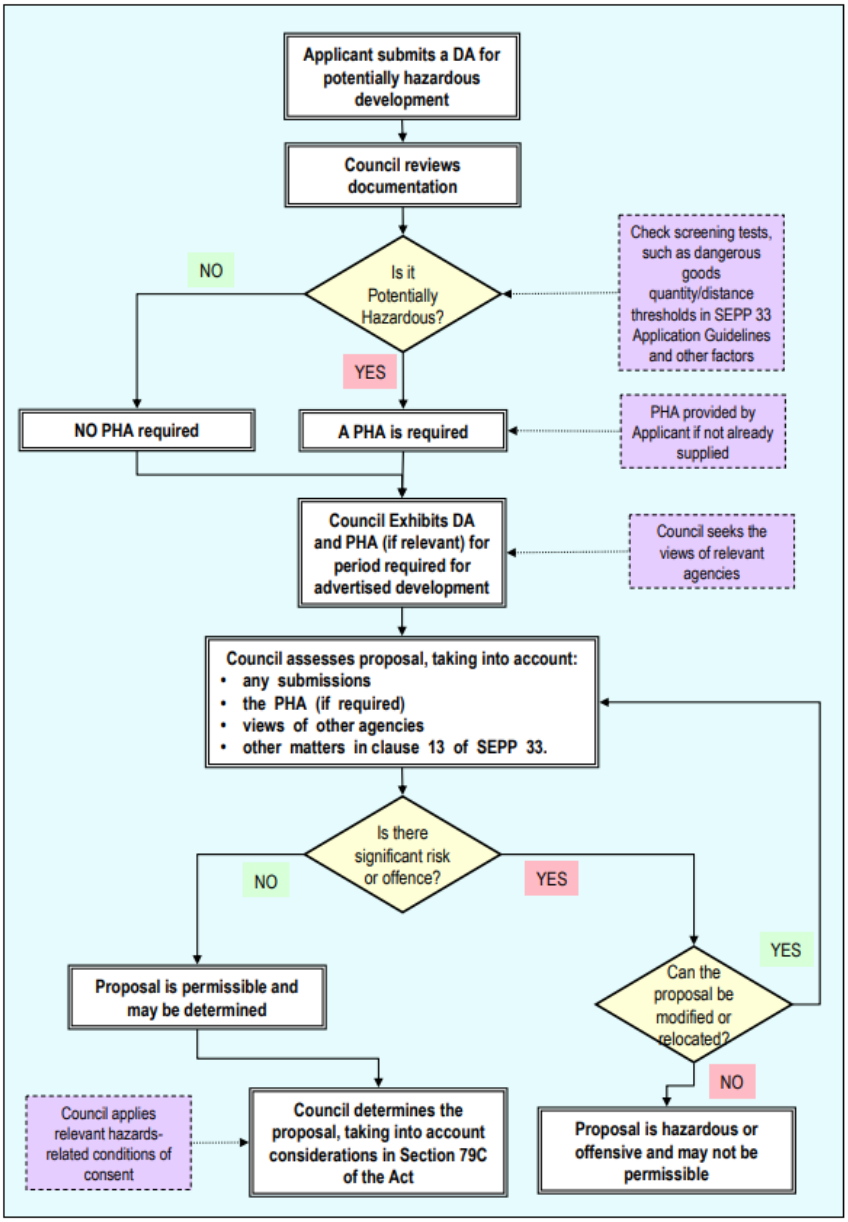


***Figure 3:*** *The SEPP 33 Process*

### Dangerous Goods

All materials or substances considered to be dangerous goods are listed on the Australian Dangerous Goods (ADG) register published by the National Transport Commission (NTC 2011).

The ADG register groups or categorises materials and substances into classes, which include:

**Class Description:**

1.1 Substances that have a mass explosion hazard.

1.2 Substances that have a projection hazard but not a mass explosion hazard.

1.3 Substances that have a fire hazard and either a minor blast hazard or minor projection hazard or both but not a mass explosion hazard.

1.4 Substances that present no significant hazard.

1.5 Very insensitive substances that have a mass explosion hazard.

1.6 Extremely insensitive articles that do not have a mass explosion hazard.

2.1 Flammable gases.

2.2 Non-flammable, non-toxic gases.

2.3 Toxic gases.

3 Flammable liquids that meet specified flash point criteria.

4.1 Flammable solids.

4.2 Substances liable to spontaneous combustion.

4.3 Dangerous when wet.

5.1 Oxidising substances.

5.2 Organic peroxides.

6.1 Toxic substances are those liable either to cause death or serious injury or to harm human health if swallowed or exhaled or by skin contact.

6.2 Infectious substances are those known or reasonably expected to contain pathogens.

7 Radioactive material as defined in the Code.

8 Corrosive substances are those that by chemical action will cause severe damage when in contact with living tissue. They may also cause other damage in the case or leakage.

9 Miscellaneous dangerous goods and articles that may present a danger during transport not covered by other classes. They may be substances which pose an environmental hazard, and the consent authority should consider whether or not a potential for environmental harm exists.

***Note:*** Classes 1.4, 1.5, 1.6, 2.2, 7 and 9 are excluded from the risk screening. Classes used are those referred to in the Dangerous Goods Code and are explained in Appendix 6 of the SEPP 33 guideline.

### Dangerous Goods Screening

The substances listed on the ADG that are proposed to be handled and / or stored on the subject site are identified in **Table 1**. The table notes any materials exceeding the threshold. This information was provided by COLAS as part of the assessment.

***Table 1:*** *Dangerous Goods on Site*

| CHEMICAL / PRODUCT | DG CLASS | UN NUMBER | LOCATION | MAXIMUM STORAGE QUANTITY (LITRES) | NUMBER OF ROAD MOVEMENTS TO FACILITY | SEPP 33 THRESHOLD QUANTITIES | EXCEEDANCE OF SEPP 33 THRESHOLD |
|---|---|---|---|---|---|---|---|
| General oils and lubricants | N/A | - | Storage container (on bund) | 1,700 (8 x 205 litre drums) | - | - | No Exceedance |
| Bitumen | 9 (when hot only) Proper Shipping name: Elevated Temperature Liquid N.O.S. | 3257 | Tank within bund 22 metres to bund wall | 4 x 50,000 litre tanks = 200,000 litres | 5 tankers per week 170 tankers per year | >1000 vehicle movements per year Or >60 vehicles movements per week (Table 2) | No Exceedance |
| LPG | 2.1 | 1075 | Minimum distance to boundary greater than 6 metres | 8 x 45 kg = 360 kg (Cylinders – pilot burner only) | 12 deliveries per year | 10 tonne or 16 $m^3$ if stored above ground (Table 3) >500 vehicle movements per year Or >30 vehicle movements per week (Table 2) | No Exceedance |
| KLENASOL NPB - laboratory solvent | N/A | - | Minimum distance to boundary 6 metres (on bund) | 4 x 205 litre steel drums = 820 litres | 6 deliveries per year | - | No Exceedance |
| Perchloroethylene - laboratory solvent | Class 6.1: Toxic substances (PG - III) | 1897 | Minimum distance to boundary 6 metres (on bund) | 2 x 205 litre steel drums = 410 litres | 2 deliveries per year | 2.5 tonne (Table 3) | No Exceedance |
| Diesel – burner fuel | C1 Combustible Liquid stored separately | 1202 | Self-bunded tank | 65,000 litres | 72 deliveries per year | As this is stored in a separate bunded tank with no other flammable materials, they are not considered to be potentially hazardous. **Note 1.** | No Exceedance |
| Methylated Spirits | Class 3 (PGII) | 1170 | Minimum distance to boundary 6 metres (on bund) | 20 litre steel drum | 8 deliveries per year | >5 tonne to trigger screening (Figure 9) | No Exceedance |
| Lime | N/A unless transported by air | - | Silo | 20,000 tonnes | - | - | No Exceedance |

**Note 1.** *Under the SEPP 33 guideline, when combustible liquids of class C1 are present on site and are stored in a separate bund or within a storage area where there are no flammable materials stored, they are not considered to be potentially hazardous. If, however, they are stored with other flammable liquids, that is, Class 3PGI, II or III, then they are to be treated as Class 3PGIII, because under these circumstances they may contribute fuel to a fire.*

### Transport Screening

Transport screening has been completed in **Table 1** in accordance with SEPP 33 guidelines.

### Determination of Whether SEPP 33 Applies

According to SEPP 33, if any of the screening thresholds are exceeded, then the proposed development should be considered a 'potentially hazardous industry' and a PHA is required.

The results of the dangerous goods and transport screening above indicate that the proposal would not result in any of the thresholds being exceeded. As a result, the project is not considered to be 'potentially hazardous' and a PHA is not required. Subsequently, a hazard assessment is not required under SEPP 33.

If any changes occur in regard to products stored on site, it is critical that a new SEPP 33 Screening Assessment is conducted.

## 3.2 ASSESSMENT APPROACH PART 2 – POTENTIALLY OFFENSIVE

For developments identified as 'potentially offensive industry', the minimum test for such developments is meeting the requirements for licencing by the DECCW or other relevant authority. If a development cannot obtain the necessary pollution control licences or other permits, then it may be classified as 'offensive industry' and may not be permissible in most zonings.

The key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant. An important factor in making this judgement is the view of the DECCW (for those proposals requiring a pollution control licence under DECCW legislation). If the DECCW considers that its licence requirements can be met, then the proposal is not likely to be 'offensive industry'.

As part of the Modification Application, a Modification Report has been prepared by Monteath & Powys which assesses the likely impacts of the Proposal. The Modification Report demonstrates that that the Proposal is acceptable with regard to the assessment of impacts, demonstrates compliance with the relevant legislative provisions and concludes that it should be supported by DPIE.

The assessment included an Air Quality and Acoustic Assessment. These assessments are attached as part of the Modification Report. A summary of these assessments is outlined below.

**Air Quality:**

The Air Quality Assessment was undertaken by *NorthStar Air Quality.* The assessment concludes that should emission controls as assumed in the report be implemented, all impact assessment criteria would be achieved at all relevant sensitive receptor locations. For further technical detail refer to the Air Quality Assessment attached as part of the Modification Report.

**Acoustic:**

The Acoustic Assessment was undertaken by *RAPT Consulting*. The assessment concludes that the Proposal is considered acceptable from an acoustic perspective. The assessment suggests compliance with all noise and vibration goals outlined within the assessment. For further technical detail refer to the Acoustic Assessment attached as part of the Modification Report.

Overall, as discussed in detail within the Modification Report and addressed in the above summary, the impacts resulting from the Proposal are considered minor in nature. It is therefore considered that any cumulative impacts can be managed through the implementation of the various management measures already in place and proposed.

Subsequently, the Proposal is not considered to be 'potentially offensive'.

## 4. CONCLUSION

This screening assessment of the Proposal was undertaken in accordance with the requirements outlined in SEPP 33. The results of the assessment indicates that the Proposal is not considered to be 'potentially hazardous' or 'potentially offensive'.

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