

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under the delegation executed on 27 February 2013, I hereby modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.


Daniel Keary
Director
Industry, Key Sites and Social Projects

Sydney 10 July 2014

SCHEDULE 1

Application Number: 08_0130

Proponent: Stolthaven Australia Pty Ltd (formerly Marstel)

Approval Authority: Minister for Planning

Land: Part of Lot 33 DP 1116571 as shown on the figures in Appendix 1

Project: Stolthaven (formerly Marstel) Bulk Liquids Fuel Storage Facility

SCHEDULE 2

1. Insert new definition in the definitions list in alphabetical order as follows:

CSMP	Contaminated Site Management Plan: Closure Area of Former Steelworks Site Mayfield, prepared by Hunter Development Corporation, February 2014 or any subsequent revisions of this document
MP 08_0130 MOD 3	Modification application MP 08_0130 MOD 3 and accompanying Environmental Assessment dated 7 May 2014, prepared by AECOM Australia Pty.

2. Replacing all references to "NPC" with "PON"
3. Replacing Condition 2 in Schedule 3 with new Condition 2 as follows:

Terms of Approval

2. The Proponent shall carry out the Project generally in accordance with the:
 - (a) EA;
 - (b) project layout plan as modified by MP 08_0130 MOD 1 (see Appendix 1);
 - (c) modification application MP 08_0130 MOD 1;
 - (d) modification application MP 08_0130 MOD 2;
 - (e) modification application MP 08_0130 MOD 3;
 - (f) statement of commitments (see Appendix 2); and
 - (g) conditions of this approval.

4. Replacing Condition 5 in Schedule 3 with new Condition 5 as follows:

Limits on Approval

5. The Proponent shall not receive, store and dispatch more than 500 million litres of diesel and biodiesel fuel per year.

5. Replace Condition 12 in Schedule 4 with new Condition 12 as follows:

Traffic Movements

12. The Proponent shall:
 - (a) keep accurate records of:
 - total hourly truck movements in peak periods;
 - total truck movements per day;
 - total truck movements per annum; and
 - the volume of diesel and biodiesel that is received, stored and dispatched.
 - (b) make these records available in its Annual Review; and
 - (c) provide these records to PON on a bi-monthly basis.

6. Replace Condition 16 in Schedule 4 with new Condition 16 as follows:

Traffic Management Plan

16. The Proponent shall prepare and implement a Traffic Management Plan to the satisfaction of the Secretary. The plan must:
 - (a) be submitted to the Secretary for approval prior to commencement of operation;
 - (b) be prepared in consultation with PON, HDC, Council and RMS;
 - (c) detail construction and operational vehicle routes, access arrangements and coordination with other developments in the Mayfield Concept Plan area;
 - (d) include details of driver training awareness to minimise noise, in particular from reversing alarms and compression braking;
 - (e) detail procedures for managing operational traffic, including adherence to the Australian Code for Transport of Dangerous Goods by Road and Rail, January 1998 or its latest version.

7. Insert new Condition 28A in Schedule 4 as follows:

Ports Precinct Noise Management

- 28A. The Proponent shall use its best endeavours to participate in the development and implementation of a precinct-wide noise map for the Port of Newcastle should one be developed to the satisfaction of the Secretary.

Note: the aim of a noise map is to establish an efficient, equitable and cumulative noise management, monitoring and reporting framework across the precinct.

8. Replace Condition 9 in Schedule 5 with new Condition 9 as follows:

Annual Review

9. One year after the commencement of operation, and annually thereafter, the Proponent must review the environmental performance of the Project to the satisfaction of the Director-General. This review must:
- (a) be prepared in consultation with PON;
 - (b) describe the operations that were carried out in the past year;
 - (c) analyse the monitoring results and complaints records of the Project over the past year, which includes a comparison of these results against the
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions in the EA;
 - (d) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (e) identify any trends in the monitoring data over the life of the Project; and
 - (f) describe what measure will be implemented over the next year to improve the environmental performance of the Project.

9. Replace Condition 11 in Schedule 5 with new Condition 11 as follows:

Independent Audit

11. Within 3 months of commissioning the audit, or as otherwise agreed by the Director-General, the Proponent must submit a copy of the audit report to PON, EPA and the Director-General with a response to any recommendations contained in the audit report.
10. Replace Appendix 2 with new Appendix 2 which details the Proponent's Statement of Commitments

APPENDIX 1: STATEMENT OF COMMITMENTS

Environmental Issues	Commitments
Management Plan	<ul style="list-style-type: none"> - Prior to construction, a Construction Environmental Management Plan will be developed in consultation with Office of Environment and Heritage incorporating the management of soils, surface waters, weed management, air quality and odour, noise and waste management. - Prior to operation, Stolthaven will prepare an Emergency Plan for the proposed Facility (to be available onsite) and a Wharf Emergency Plan (available at the wharf) in consultation with the NSW Fire Brigade, NPC and NSW Maritime. These plans are to include: <ul style="list-style-type: none"> • Spill response procedures. • Fire response procedures. • Response procedures for other identified environmental impacts. • Procedures for emergency drills/exercises. - Prior to operation, a Site Management Plan will be developed in consultation with OEH detailing the ongoing monitoring and environmental management requirements for the facility. - Eight weeks prior to the first vessel entering the port, a Port Operations Management Plan shall be developed in consultation with NPC. - A Tank Farm Bunding Detailed Design and Construction Report shall be provided prior to the commencement of construction as per OEH requirements.
Hazards and Risks	<ul style="list-style-type: none"> - All ship movements and fuel unloading shall be undertaken in accordance with AS3846 2005 (The handling and transport of dangerous cargoes in port areas.) and the safeguards outlined in Table 9 of the EA and coordinated to compounding cumulative risk. - The proponent shall install a 50 kg dry powder extinguisher on wheels. - Portable fire monitors with foam generation shall be installed near to fuel storage and transfer points. - Existing fire hydrants at NPC's Mayfield 4 berth will be utilised to connect the portable equipment. - The proponent shall implement a fuel transfer procedure in which an inspection of the pipeline route would be conducted. - The proponent shall install a fire monitor at a minimum of 29 m from the wharf hose connection point. - Plant maintenance schedules shall include the following: <ul style="list-style-type: none"> • Annual testing of fire detectors at the site. • Weekly tests of the fire pump systems and foam activation valves. - Spill containment booms shall be available to be deployed around the ship and wharf for all delivery/transfer operations. - Spill kits shall be available and staff trained in use.

Environmental Issues	Commitments
Surface Water Management	<p><i>Construction</i></p> <ul style="list-style-type: none"> - The proponent shall prepare and implement a Construction Environmental Management Plan which will include a detailed Erosion and Sediment Control Plan.
	<p><i>Operation</i></p> <ul style="list-style-type: none"> - The proponent shall prepare a stormwater management system that is designed and implemented to capture stormwater from the Site, to prevent leaks and spills from occurring and to facilitate the discharge of clean stormwater to the Hunter River. - Surface water will be managed in accordance with the Stormwater Management Plan developed for the Site. - The proponent will implement an inspection and testing program of the stormwater system as detailed in the Stormwater Management Plan. - Pipeworks, fuel storage and tanker/loading areas will be fully bunded. - Tanks will be monitored during filling by ship and shore and levelling alarms will be fitted. - Tanks regularly inspected for corrosion and leaks. Water build up in tanks will be regularly drained to prevent internal corrosion. - Tank level monitoring will be conducted at all times to identify rapid leaks. - Pump operation will only be conducted when Facility staffed and operations can be continually monitored.
Groundwater	<ul style="list-style-type: none"> - A claymix liner will be installed over the Site (nonconcrete areas) and overlain with bitumen to create an impervious seal across the Site and up the sides of the bund wall. - The proponent will prepare and implement a Site Management Plan which will include a schedule for groundwater sampling for pH, EC, TPH, BTEX, and metals.
Soil	<ul style="list-style-type: none"> - Excavation, classification, treatment and disposal of Potential contaminated materials will be undertaken in accordance with requirements detailed in the Construction Environment Management Plan and Contaminated Site Management Plan. - All works to be undertaken onsite will comply with the existing Contaminated Site Management Plan relevant to the Site. - There is to be no transportation of material from below the Virgin Excavated Natural Material capping layer without prior approval from OEH. - Material imported to the Site will be classified in accordance with NSW EPA (December 1994) prior to receipt. - Ongoing soils management will include any applicable actions as required by the Contaminated Sites Management Plan.
Air Quality	<ul style="list-style-type: none"> - Dust mitigation strategies shall be implemented as part of the Construction Environmental Management Plan and will include: <ul style="list-style-type: none"> • Disturbed surfaces will be stabilised as soon as practical. • All vehicles leaving the Site will not have excessive soil on their tyres which may fall onto the roadways creating dust emissions. • Roadways are to be kept clean during construction and operation. • Any stockpiled material would be sprayed with water during times of high wind.
Noise and Vibration	<ul style="list-style-type: none"> - Other than during the unloading of ships, the proponent will not conduct noise sensitive activities exceeding the EPA approved on Sundays and public holidays.
Traffic and Transport	<ul style="list-style-type: none"> - Off street car parking shall be available to staff and visitors during normal operations. - All trucks will enter and exit the Site via left in and right out configuration.
Visual Landscaping and Entry	<ul style="list-style-type: none"> - The Site shall remain clean and free of rubbish or debris as a result of operations.

Environmental Issues	Commitments
Waste Management	<ul style="list-style-type: none"> - Purchasing requirements for construction shall be such that products purchased for the Site would align with site demands to avoid wastage of unwanted products. - The proponent shall implement a system for recycled paper, cardboard, glass and plastics. Bins shall be collected by a waste management contractor on a regular basis. - Recycling of waste material shall be maximised wherever possible during operation of the Proposed Facility.
Indigenous and Non-Indigenous Heritage	<ul style="list-style-type: none"> - Monitoring of the Site shall be undertaken in the event natural soil profiles are to be excavated.
Security	<ul style="list-style-type: none"> - A comprehensive security system shall be installed onsite and shall include monitoring of all fences and entry/exit points to the Site. - Gantry area is under closed circuit television (CCTV) surveillance at all times, with screens in the main site office.
Soils and Landform	<ul style="list-style-type: none"> - The proponent shall minimise the erosion and potential discharge of sediments from the Site as outline above for Surface Water and Groundwater.

Environmental Matter	Commitments and Mitigations
Transport and Access	<ul style="list-style-type: none"> - The existing Traffic Management Plan will be reviewed and updated to incorporate additional traffic generated by the modification; - The Review and update will be undertaken with the Port of Newcastle, Newcastle Council and the roads and Maritime Service.; and - The review will include consideration of any other traffic generating land uses in the vicinity not considered during its preparation.
Air Quality	<ul style="list-style-type: none"> - The existing site Air Quality Management Plan will be reviewed and updated to incorporate the modification.
Noise and Vibration	<ul style="list-style-type: none"> - The existing site Noise and Vibration Management Plan will be reviewed and updated to incorporate the modification; and - This will include a review of reasonable and feasible noise mitigation measures currently in place and recommend appropriate changes to minimise potential noise impacts.