

26 June, 2014

Chris Ritchie
Manager
Industry, Key Sites and Social Projects
NSW Department of Planning & Environment
GPO Box 39, Sydney NSW 2001

Dear Mr Ritchie

Stolthaven Bulk Fuel Storage Facility, Mayfield North Proposed Modification (08_0130 MOD 3)

Port of Newcastle has reviewed the Environment Assessment from Stolthaven Australia Pty Ltd to modify its project approval for the Bulk Fuel Storage and Dispatch Facility in Mayfield North to increase the annual fuel throughput capacity from 400ML to 500ML and we provide the following response including recommended conditions:

1. Port of Newcastle does not object to the proposed modification to Condition 5 in Schedule 3 i.e. "5. The Proponent shall not receive, store, and dispatch more than **500 million litres of diesel and biodiesel fuel per year.**"

2. Request that the proposed modification of Condition 12 in Schedule 4 be modified as follows:

"Traffic Movements

The Proponent shall:

- a) *Keep accurate records of:*
 - *the number of truck movements to and from the site; and*
 - *the volume of diesel and biodiesel that is received, stored and dispatched.*
- b) *make these records available in its Annual Review.*
- c) *provide Port of Newcastle (PON) with accurate records of the number of truck movements to and from the site on a bi-monthly basis for review of cumulative allowances for the Mayfield Concept Plan area and should include the following data:*
 - *total truck movements per annum;*
 - *total truck movements per day; and*
 - *total hourly truck movements in peak periods."*

3. Request that the proposed modification of Condition 16 in Schedule 4 be modified as follows:

"Traffic Management Plan

The Proponent shall prepare and implement a Traffic Management Plan to the satisfaction of the Director-General. The plan must:

- a) *be submitted to the Director-General for approval prior to commencement of construction;*

- b) *be prepared in consultation with NPC, 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.*
 - f) ***The Traffic Management Plan be updated in consultation with Port of Newcastle (PON) and to the satisfaction of the Director-General prior to the annual throughput of the site exceeding 400ML per year.***
4. Request that the modification approval include the modification of the Statement of Commitments in Appendix 2 of the Project Approval to reflect the revised Statement of Commitments provided in the s75W Environmental Assessment.
 5. Request that reference to Newcastle Port Corporation (NPC) be amended to now refer to Port of Newcastle (PON) for those conditions with ongoing compliance requirements i.e. Schedule 2 Definitions and Schedule 5 Condition 8, 10 etc.
 6. Request that the definition of **CSMP** in Schedule 2 Definitions be amended as follows:
“Contaminated Site Management Plan: Closure Area of Former BHP Steelworks Site Mayfield, prepared by Hunter Development Corporation, February 2014 or any subsequent revisions of this document.”
 7. Request that the proposed modification of Condition 9 Schedule 5 be amended as follows:

“Annual Review

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) *describe the operations that were carried out in the past year;*
 - b) *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;*
 - c) *identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;*
 - d) *identify any trends in the monitoring data over the life of the Project; and*
 - e) *describe what measure will be implemented over the next year to improve the environmental performance of the Project.*

Within 3 months of commissioning the annual review, the Proponent must submit a copy of the Annual Review Report to Port of Newcastle (PoN). The Annual Review Report should

address all the cumulative environmental impact requirements within the Mayfield Concept Approval (09_0096) and the Proponent should provide the monitoring results and relevant data in a form consistent with the relevant cumulative models developed by Port of Newcastle (PoN) specifically for the Mayfield Concept Plan.

8. Request that Condition 11 Schedule 5 be amended as follows:
"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 ~~both~~ Port of Newcastle (PON), EPA and the Director-General with a response to any recommendations contained in the audit report."
9. A revised Final Hazard Analysis (FHA) report was approved by NSW Department of Planning and Environment on 10 June 2014 to revise certain Conditions of Consent for the Multi-Purpose Terminal, Mayfield No. 4 Hardstand Berth (DA 293-08-00) in accordance with Condition 7.8 of the development approval which previously limited Stolthaven's operational capacity as defined in the original approval for the Stolthaven Bulk Liquid Fuel Storage Facility (08_0130).

The operational intensity modelled in the FHA was based on 36 cargoes of bulk fuel per annum and based upon the scenarios modelled. Stolthaven's original development as approved complied with all guidelines for the calculation of individual risk.

As this latest modification request from Stolthaven is seeking approval for increased imports of fuel, with an increased number of ship visits to 32 ships per annum which is well within the 36 ships per annum as modelled in the FHA, the level of risk remains unchanged.

However the revisions sought to the Conditions of Consent (DA 293-08-00) and approved by NSW Department of Planning and Environment on 10 June 2014 included the following:

- The handling (predominantly import) of combustible liquids (including diesel and biodiesel) up to a mean movement limit of 25ML/month (300ML/annum) based on an average of two shipments per month.

The requested throughput limit of 300ML per annum was based on Stolthaven's original proposal.

It is anticipated that latest modification request from Stolthaven to increase the throughput threshold to 500ML per annum across Mayfield No. 4 berth would not change the level of risk based on the scenarios modelled in the approved FHA. However PoN request that NSW Department of Planning & Environment condition Stolthaven to provide a revised FHA to be modelled on the proposed increased throughput threshold to 500ML per annum across Mayfield No. 4 Berth to confirm that there is no increased level of risk. PoN further request that following the review and approval of Stolthaven's revised FHA for Mayfield No.4 Hardstand Berth by NSW Department of Planning & Environment that the Condition 7.8 for the Multi-Purpose Terminal, Mayfield No. 4 Hardstand Berth (DA 293-08-00)

be revised concurrently with the Stolthaven Bulk Fuel Storage Facility, Mayfield North
Proposed Modification (08_0130 MOD 3) as follows:

- **The handling (predominantly import) of combustible liquids (including diesel and biodiesel) up to a mean movement limit of 41ML/month (500ML/annum) based on an average of two shipments per month.**

Please do not hesitate to contact me directly to discuss this submission in further detail or to provide any further clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read "D. Costanzo".

Darryn Costanzo

Development Manager

Cc: Ashley Cheong
Planning Officer
NSW Department of Planning and Environment
P.O. Box 39
Sydney NSW 2001