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Department of Planning & Environment
GPO BOX 39
SYDNEY NSW 2001

APPLICATION

DE-2015/170

Date

9 October 2015

Dear Sir/Madam

Development	Bulk Liquids Fuel Terminal at Port Kembla
Location	Grain Terminal, Tom Thumb Road, PORT KEMBLA NSW 2505, Grain Terminal, Tom Thumb Road, PORT KEMBLA NSW 2505, Grain Terminal, Tom Thumb Road, PORT KEMBLA NSW 2505

I write in reference to the proposal for the Port Kembla Bulk Liquids Terminal to which Council has been requested to provide comment.

The documentation provided has been reviewed and the following comments are made.

Determining authority

It is noted that the Environmental Scoping Assessment prepared by Cardno dated 8 September 2015 states the proposal is *State Significant Development* pursuant to Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 for which the Minister for Planning would be the consent authority.

Development type

The proposal is identified in the Environmental Scoping and Assessment report as being *Designated Development* which is to be accompanied by an environmental impact statement (EIS).

Environmental Planning Instruments (EPIs)

The following EPIs are considered applicable to the development:

- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy 71 – Coastal Protection
- State Environmental Planning Policy (Infrastructure) 2007: The development may be traffic generating development to be referred to the RTA pursuant to Schedule 3 of this policy.
- State Environmental Planning Policy (Three Ports) 2013: The proposal gains its permissibility under this policy which zones the land SP1 Special activities. The use would appear to be categorised as a port facility.
- Wollongong Local Environmental Plan (WLEP) 2009: It is noted that the Environmental Scoping Assessment prepared by Cardno dated 8 September 2015 states WLEP 2009 does not apply to the development. Clause 6 and 10 of SEPP (Three Ports) 2013 do not appear to exclude the application of the LEP but rather exclude any provisions within it that would prohibit the development being carried out. SEPP Three Ports would apply where there is any inconsistency. With that in mind, the following clauses of the LEP would apply to the development:
 - Clause 5.5 Development within the coastal zone

- Clause 7.1 Public utility infrastructure
- Clause 7.3 Flood planning (see comments below for further detail)
- Clause 7.5 Acid Sulfate Soils
- Clause 7.6 Earthworks

Site constraints

The site constraints and relevant matters for consideration are identified below.

- **Flooding**
 - Council's records indicate that part of the area proposed for redevelopment is affected by riverine flooding. In this respect a flood study including flood modelling should be carried out to determine the extent of flooding and development potential. This study should be undertaken by a suitably qualified civil engineer, in consideration of the NSW State Government Floodplain Development Manual (2005), the stormwater and floodplain management chapters of the Wollongong DCP 2009 and Wollongong City Flood Study (2013) and Floodplain Risk Management Study and Plan (2015). Other specific requirements from the NSW Office of Environment and Heritage relating to Climate Change should also be addressed.
- **Acid Sulfate Soils**
 - Should Acid Sulfate Soils be encountered, clause 7.5 of WLEP 2009 provides a framework for requirements relating to acid sulfate soil management.
- **Contamination**
 - The site is identified as being contaminated and the provisions of SEPP 55 should be addressed in that regard. Excavated material to be classified in accordance with NSW EPA Guidelines.
- **Coastal zone**
 - The site is located within the coastal zone. Clause 5.5 of WLEP and SEPP 71 should be considered in this regard.

Environmental impacts

Traffic

The type of transport to be used, traffic routes, expected volume of traffic and impact on the road network should be identified in a Traffic Impact Assessment (TIA).

The TIA should address potential traffic noise on residential areas from truck movements, particularly considering the proposed 24 hour operation.

The TIA should also identify the region that the facility would service and detail the existing fuel supply and distribution situation and how the proposal would alter that.

Noise

As noted above, the implications of 24 hour operation in terms of traffic noise to nearby residential development should be addressed. Noise intensity and impact modelling should be undertaken to assess the potential noise nuisance on the nearby residents.

Emissions / air quality

Any submission should identify operational and fugitive discharges of Volatile Organic Carbon (VOCs) mainly Petroleum Hydrocarbons, including potential carcinogens and mutagenic substances, in the local air shed.

Air quality modelling should be undertaken to demonstrate the intensity, diffusion and dispersion pattern of any hydrocarbon plume in the surrounding air shed in different seasons, wind directions and velocities.

Flora and fauna

The site is a well know habit and movement corridor for Green and Golden Bell Frogs (GGBF). Surface contamination with petroleum hydrocarbons, light intensity and frequent truck movements are of concern in regard to potential impacts on GGBF populations. The submission should therefore detail measures to mitigate any impacts in this regard.

Stormwater management

A stormwater management strategy and plan should be carried out for the proposed development. The strategy should include but not be limited to a concept stormwater drainage layout using a minor/major design approach, the incorporation of water sensitive urban design principles (where possible) and the proposed drainage infrastructure required for each stage of the development. This strategy and plan should be undertaken by a suitably qualified civil engineer against the requirements of the stormwater management chapters of the Wollongong DCP 2009.

The submission should identify measures to incorporate water sensitive urban design into the proposal. Chapter E15 of WDCP 2009 can be used as a guide in this regard.

General water quality controls

Stormwater runoff from the products unloading facilities on berth 104, storage area and from truck loading facilities can potentially be contaminated with elevated concentrations hydrocarbons from spills or leaks. As the receiving waterway is in the immediate vicinity, it is expected without any assimilation or breakdown, a quantity of toxic substances could end up into the Port Kembla Harbour. Measures should be implemented to mitigate this.

Groundwater contamination

Measures should be implemented in order to prevent any aquifer being impacted by infiltration of hydrocarbon contaminated surface runoff.

Soil contamination

Consideration should be given to potential infiltration of hydrocarbon contaminated water into the soil and sub soil and potential soil contamination and migration of hydrocarbons to adjacent lands.

Impact of hydrocarbon contaminated stormwater on marine habitats

Measures should be implemented to ensure benthonic and planktonic organisms in Port Kembla Harbour are not impacted by hydrocarbons from contaminated storm water runoff.

Ecologically Sustainable Development

The submission should identify how the principles of ecologically sustainable development are achieved by the proposal including, economic, environmental and social factors.

The above matters and those identified in the submission should be addressed in any application.

Should you have any questions regarding the above, please contact me on the telephone number below.

Regards

This letter is authorised by

Nigel Lamb
Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111