

Our ref: F2007/00656

20 December 2021

Mr Jeffrey Peng
Industry Assessments
Major Projects
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Jeffrey,

Re: Modification 4 (DA246/96) Second Thermal Oxidiser

Thank you for the opportunity to comment on the Section 4.55(1A) modification (Modification 4) application to modify DA246/96 for the existing Terminals bulk liquid storage facility to construct a new thermal oxidiser with associated servicing and infrastructure adjacent to the existing combustor; demolition and removal of existing waste tank 1 (WT1) and repurposing of tank T-261 as a new waste tank at the site.

Following a review of the project, please be advised that Council objects to the proposed modification 3 and provides the following reasons for this decision:

1. The Proponent's SEE states that *"this subject application (Mod 4) is seeking to rely on Clause 3BA(6)(b) of Schedule 2 of the Environmental Planning and Assessment (Savings and Other Transitional Provisions) Regulation 2017, that considers any modification to a development consent that had previously been modified under the now repealed s75W (old Part 3A modifications), that when considering the substantially the same development test, must consider it from when it was last modified (i.e. Mod 2)".* Council is concerned that inadequate details have been provided to show that the originally approved development is the approved project for the purposes of modification in this current application pursuant to clause 8J of the *Environmental Planning and Assessment Regulation 2000* and whose consent was modified under section 75W.
2. When considered against the development consent issued for Modification 2 under the now repealed s75W provisions, it is considered that inadequate assessment has been made as to how the proposed modification 4 meets the "substantially the same" development test especially in terms of the following:
 - Council notes that Modification 2 was approved for specific works under the provisions of the then Section 75W, namely, for twelve additional tanks with an

increase in storage capacity of 14,500m³ bringing the Stage 5 capacity up to 39,500m³ (from its existing approved 25,000m³). The introduction of a new thermal oxidiser in the context of a previous storage works modification indicates that the current proposal is not substantially the same development under Mod 2. In particular, it is noted that Modification 4 will be the subject of the EPA requirement that use of the Thermal Oxidiser (TO) must meet the requirements of a Group 6 Treatment Plant under the Protection of the Environment Operations (Clean Air) Regulation 2010. This requirement indicates that the proposal will have the highest standards of concentration of air impurity for scheduled premises (Schedule 2 - Protection of the Environment Operations (Clean Air) Regulation 2010). The proposal represents a significant qualitative and quantitative departure from the development capacity approved under Mod 2.

- Modification 2 was approved on land known as Stage 5 and related to Lots 16-18 in DP 1126332 Part Lot 6 in DP 1053768 Lot 26 in DP 1009872. Modification 4 includes land that has legal description Lot 102 DP1182871 which technically allows the expansion of the proposed Mod 4 use beyond what would be originally a limited land size and footprint relating only to Mod 2. In effect, the proposed use of existing tank, T-261, which will be re-purposed as a new waste tank (to feed the thermal oxidiser) in Stages 1-4 was not envisaged in Mod 2. Accordingly, it is contended that Mod 4 does not relate to the land that was subject of Condition 2, and therefore strictly cannot be applied as a modification but rather a development application.
- The SEE states that the amendments sought under Mod 4 are proposed to be implemented through a modification of the conditions of Development Consent granted under Modification 2. It is contended that the thermal oxidiser proposal cannot be dealt with and justified under the specific modification consent conditions granted to Mod 2 that related particularly to storage works. The introduction of the proposed new thermal oxidiser is a significant modification that goes beyond the size, scale, capacity and nature of development approved under Mod 2 such that it will require a set of new and specific conditions to manage its potential impacts including the following:
 - all the actions to address hazard and risk outlined in the Pinnacle Hazard Analysis Report that must be effectively implemented and completed on an ongoing basis.
 - all requirements for the appropriate compliance monitoring and associated documentation and reporting of the new thermal oxidiser (including for the analysis of the actual recorded emissions) as well as the documentation of the observations and findings. Furthermore, in the event of technical failure, any additional recommendations for subsequent rectification actions must also be recorded. This is to be maintained (suggested electronically) and be made publicly available for a reasonable period of time.
 - noise and vibration impacts associated with the new proposal incorporating the existing use and operation of the site(s) must be identified and addressed. The current application provides inadequate acoustic analysis to indicate that there will be no unexpected adverse operational and construction noise impacts to surrounding receivers, noting that the subject site is located in a heavy industrial area that has been the subject of ongoing noise nuisance complaints from surrounding

residents. These impacts can only be revealed when noise and vibration assessments are properly prepared in accordance with industry guidelines (best practice) and in accordance with the NSW EPA Noise Policy for Industry and made publicly available. Compliance should be ensured through appropriate conditions of development consent.

3. In addition to the above concerns, Council notes the following deficiencies in the proposed modification application that, otherwise, would be subject to a more in-depth and comprehensive assessment under a development application:
- The overall site within which the proposal would be located should be the subject of a detailed and thorough assessment allowing for the opportunity to further review and analyse the proposal and its location including the possibility for the engagement of suitable experts to offer a more comprehensive peer review of information provided.
 - The GASCO letter dated 20 May 2021 advises that complete combustion of the liquid fuel waste must be achieved through a residence time of 2 seconds and temperature of 980°C in the combustion chamber. However, it is not confirmed that the internal volume of the mixing chamber will be sized to achieve this. It is imperative that the residence time of 2 seconds and temperature of 980°C is achieved in this proposal. Any potential shortcomings and/or obstacles to achieving and maintaining this internal volume to achieve the designated residence time and temperature can only be adequately addressed via a development application.
 - Reference is made to the report entitled *Quantem (Terminals Pty Ltd) Air Quality Impact Assessment Report 45 Friendship Road, Port Botany NSW 2036, dated 8 November 2021 Peter J Ramsay & Associates Environment, Health & Safety and Sustainability Consultants*, and in particular, the comment: *“The predicted ground level concentrations from the dispersion modelling of emissions show that the proposed addition of a second thermal oxidiser (TO-2) will not cause exceedances of the relevant impact assessment criteria at any sensitive receptors”*. As the site is located at a lower level than the surrounding built environment (with the Eastern Suburbs Memorial Park and residences in Matraville located at higher relative levels,) more confidence is sought to ensure emissions will not impact the use and occupation of the surrounding area including in public areas such as Yarra Bay and Bumborah Point.
 - The Quantem report (pages 27-28) also states that: *“For sulphur dioxide (SO₂), the maximum predicted concentration will also be experienced at Receptor 13. The predicted peak sulphur dioxide concentration is 110 µg/m³ which includes the addition of background concentration which was obtained from NSW EPA ambient air quality data. The expected peak level concentration is approximately 20% of the impact assessment criterion. In addition, the predicted peak level concentrations for carbon monoxide (CO), nitrogen dioxide (NO₂) and PM₁₀ are also at Receptor 13. ... The maximum nitrogen dioxide concentration will be experienced at Receptor 13 with a peak of 140.6 µg/m³, approximately 57% of the impact assessment criterion for NO₂. ...the margin of error for the high concentration estimates is expected to be around 20%”*. These comments raise the following concerns that must be addressed in a development application:

- Receptor 13 location is understood to be the residential properties located to the south east of Bunnerong Road and Little Bay Road, Matraville. This should be further detailed and identified specifically.
- As Nitrogen Dioxide (NO₂) is known to have a harsh smell, it is concerning that the Quantem report identifies a 20% margin of error for the potential maximum NO₂ concentrations of approximately 57% at Receptor 13. This potentially creates a nuisance as well as significant amenity impacts on the nearby residential environment as identified in the report. It is requested that this finding of the Quantem report should be further elaborated and discussed.
- Emission concentration maps in the Quantem Report (pages 38-42) indicating plumes will be prominent over the ESMP, Cemetery and Council Parks and Beaches suggests that the amenity of the users at these publicly accessible and well utilised spaces may be detrimentally affected. This would be considered undesirable by the local community who use these areas. These impacts on surrounding sensitive land uses should also be further assessed and appropriately addressed via conditions of development consent.
- No visible emissions including mists, steam, cloud like emissions (i.e. not just 'no flame or smoke' as referred to in the Quantem Report) are to be visible from the ground in the surrounding area. The visually amenity of any incineration proposal such as that proposed in Mod 4 is considered imperative to abating community concerns.

If you have any questions regarding Randwick City Council's submission, please contact David Ongkili, Coordinator Strategic Planning on 9093 6793.

Yours sincerely,



Stella Agagiotis
Manager Strategic Planning

English If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.	Greek Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.	Italian Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.
Croatian Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski služni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.	Spanish A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes [“TIS”], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.	Vietnamese Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.
Polish Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.	Indonesian Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.	Turkish Bu mektubu anlamak için yardıma ihtiyaciniz varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.
Hungarian Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tölmács Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 1300 722 542 telefonszámon.	Czech Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.	Arabic إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس والمُلب المُساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 والمُلب منهم الاتصال بالمجلس على رقم 1300 722 542.
Chinese 如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯係，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 1300 722 542。	Russian Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.	Serbian Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.