

13 December 2021

Our Ref: SF21/6010
Our Contact: Meg D'souza (02) 9562 1702

Jeffrey Peng
Senior Environmental Assessment Officer – Planning and Assessment
NSW Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Mr Peng,

Re: Bayside Council Submission: DA256/96: Terminals Bulk Liquid Storage Expansion (MOD 4), 45 Friendship Road and 9-11 Simblist Road, Port Botany

Thank you for the opportunity to make a submission in response to Modification 4 of the Terminals Bulk Liquid Storage Expansion project at 45 Friendship Road and 9-11 Simblist Road, Port Botany.

It is understood the Modification is seeking approval for:

- The installation of a new thermal oxidiser (TO) with associated servicing and infrastructure, and
- The removal of existing waste tank 1 (WT1) and repurposing of tank T-261 as a new waste tank.

Council officers have reviewed the application and have provided the following comments:

Environmental

There is a NSW Environment Protection Authority (EPA) Environmental Protection Licence (EPL) for operations on site (EPL 1048), issued under the *Protection of the Environment Operations Act 1997* (POEO Act). The proponent notes that an application to amend the EPL to permit the pollution of water is pending approval. Council is concerned about the decision to submit a modification application prior to receiving approval from the EPA to modify the existing EPL, and requests that the proponent provide a separate report outlining potential impacts to surface water and groundwater to justify such an application.

Furthermore, given Council's concerns regarding the impacts of Climate Change and the emphasis on the phasing out of fossil fuels, the proponent must provide an additional report with consideration of the following:

- A comparative assessment of the effect of phasing out of fossil-fuels on reducing human health and environmental risk through the current waste management system and what is identified in the HAZOP for the proposed new system.
- An assessment of the effect of the phase out of fossil-fuels on the reduction of the Volatile Organic Compounds (VOC) and aqueous/flammable liquid waste through

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the current waste management system with the current single thermal oxidiser, with an estimate of the time until the need for such a waste management system becomes redundant. This information must be informed by more comprehensive modelling.

Otherwise, Council reiterates the following concerns raised by the EPA previously:

- While *Appendix K Response to EPA RFI* provides a response to EPA concerns highlighted in the previous modification application, the proponent must provide further assurance that the aqueous/flammable liquid waste component can be properly combusted through the thermal oxidiser process.
- More comprehensive Greenhouse Gas Emissions calculations must be provided.
- While the proponent has provided a Waste Hierarchy in accordance with the *Waste Avoidance and Resource Recovery Act 2001*, a more comprehensive assessment is required for assurance that the aqueous/flammable liquid waste stream to the thermal oxidiser can be further reduced.

Risk and Traffic

- The former City of Botany Bay Council implemented the *Denison Street Land Use Safety Study Review of Planning Controls* to examine potential risk along Denison Street, Hillsdale, due to the transportation of dangerous goods and its proximity to the Botany Industrial Park (BIP). The proponent must confirm if the application will involve the transportation of dangerous goods along Denison Street during the construction and operation phase, and provide this information if it has been omitted. This will better enable Council to undertake future strategic planning near Denison Street, based on the cumulative risk in the area. A copy of the study is available on council's website at <https://www.bayside.nsw.gov.au/services/development-construction/planning-our-city/plans-and-strategies/denison-street-risk-study>.
- The proposal notes a reduction in vehicle movements due to waste being incinerated on site as a result of the proposal. It is unclear if there has been any analysis to determine the net decrease in emissions from vehicle movements involving waste removal currently, versus the emissions that would be generated on site via incineration of waste, as a "trade-off".

Noise

- The application must include a separate Noise and Vibration assessment that considers potential impacts resulting from the operation of the existing and proposed combustor, comparatively.

Consultation

- Consultation should occur with the Department of Planning, Industry and Environment (DPIE) to verify compliance with the *State Environmental Planning Policy (Three Ports) 2013*.
- Council is concerned about the lack of consultation that has occurred in relation to this project, considering the potential impacts to the local community. Council requests ongoing consultation on this project and other projects in Port Botany and surrounds, to ensure adequate input is provided.
- Botany industrial Park and the Three Ports SEPP area are covered by only Randwick and Bayside LGAs. Council does not consider it an onerous consultation exercise to notify both Councils for any SSDs or modifications proposed within this area, regardless of which Council has jurisdiction for the proposal – particularly

when considering the nature of the proposals and potential impacts on our communities.

Other concerns

- The proponent should provide a clearer outline of Modification 3 and the amendments in the current application. This is because Modification 3 was previously withdrawn. Therefore, the currency of comments, including from state agencies such as the EPA, relating to Modification 3 may not remain current, or be adequate, for Modification 4.

Statutory Process

- Due to the broader impacts of the proposal, Council believes this application should be submitted as a standalone Environmental Assessment. It is imperative that the local community is consulted on these impacts and offered the ability to provide submissions on the proposal. The current assessment process that Modification 4 is being considered against does not allow for that process to occur. This is of concern, when considering the Botany Cogeneration Plant (Paper Mill) has been of significant concern to the community of both the Randwick and Bayside LGAs since it was lodged in 2019.

If you have any questions in relation to this, please contact Meg D'souza, Urban Planner, on 9562 1702.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Harley', with a stylized, cursive script.

Clare Harley
Manager Strategic Planning