

Our ref: 2017/00085

9 March 2017

Director Industry Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Chris Ritchie,

**RE: VOPAK BULK LIQUID STORAGE FACILITY MP 06\_0089 MOD 2**

Thank you for the opportunity to comment on the modification proposal for Vopak Bulk Liquids Facility - Port Botany Site B3, Increase Capacity (06\_0089 MOD 2). Council notes that the proposed changes essentially involve physical changes to the Site B Facility and modifications to a number of conditions of consent which are all aimed towards accommodating an increase in the total product throughput of the Vopak facility from the approved 3,950,000 m3 per year to 7,800,000m3 per year. This increase in throughput will in turn result in associated increases in road tanker export, output by pipeline and export by sea.

Council has reviewed the associated Environmental Assessment (EA) prepared by Plan Com in November 2016 and provides the following comments.

**Fuel Mode of Transport**

The proposed modification seeks to delete Conditions Nos 9-11 of the original consent which read as follows:

*"Condition 9: The Proponent shall ensure that the throughput at the site does not exceed 3,950,000 m3 of bulk liquids a year.*

*Condition 10: The proponent shall not receive more than 192,500 m3 of bulk liquids a year by road tanker.*

*Condition 11: The proponent shall not dispatch more than 1,897,500 m3 of bulk liquids a year by road tanker, including a maximum of 15,000 m3 of Jet Fuel."*

These conditions essentially imposed limits on the total throughput at the site which was set at 3,950,000 m3 per year; the amount of bulk liquids received by road tanker which was set at 192,500 m3 a year; and the amount of bulk liquids dispatched by road tanker which was set at 1,897,500 a year including a maximum of 15,000 m3 of Jet Fuel. The main rationale given by the proponent for the deletion of these conditions is that, since the issue of the original consent, the gazettal of the Ports Assets (Authorised Transactions) Act 2012 (NSW) (Ports Assets Act) and specifically section 32 of that Act, effectively removes any throughput limit imposed in a planning consent. Notwithstanding the provisions of this Act, Council's position in this regard is that:

- The conditions were not imposed to restrict the proponent's ability to trade by limiting the cargo throughput of the facility. Rather, the limits contained in Conditions No 9-11 were applied as an effective means of controlling the adverse off-site impacts of fuel transportation. In particular, the limits on

the bulk liquid movement into and out of the subject site by road tankers was deemed necessary to ensure that there would not be unfettered use of road tankers to and from the subject site to the detriment of surrounding residential areas.

- With the proposed deletion of Condition Nos. 9-11, there effectively will be a doubling of throughput with a future total output for Site B forecasted at 7,800,000 m<sup>3</sup> with 47% of this throughput to be delivered by road tanker resulting in a 20% increase in road tanker vehicles. This will unequivocally result in additional pressure on already congested roads feeding into and out of the Port. More importantly, there is no guarantee that the forecasted increase of 7,800,000 m<sup>3</sup> will be the absolute limit of throughput volume through the subject site for which deletion of Conditions 9-11 will allow.
- Conditions Nos. 10 and 11 provide for a modal split for road tanker transport that was deemed appropriate for the Vopak facility. When proportioned, these conditions designate that no more than 4.2% of throughput should be received by road tanker. It is submitted that these actual percentage/proportion controls on road tanker usage are significant and critical in ensuring that the road tanker usage, and more importantly, road tanker traffic effects, are regulated and minimised. The *carte blanche* deletion of Conditions 9-11, in effect, gives the proponent a free-rein on road tanker transportation in and out of the facility. As such, these conditions should be retained or, if necessary, at the very least, modified to include a proportionate road tanker modal split applied to any new total throughput amount.
- Conditions Nos. 9-11 were applied well before the gazettal of the Ports Assets Act as reasonable means for protecting the amenity of surrounding residential areas from unregulated road transport. As such, the proposed retrospective deletion of these conditions is considered to be unreasonable and retrograde in effect as it permanently removes the impact-mitigating provisions inherent in these conditions.

### **Noise, odour and emission impacts on local residents**

The existing premises are listed in the Public Register under the Protection of the Environment Operations Act 1997 as having a scheduled activity. It is therefore recommended that this application be referred to the Department of Environment for their comment in regards to appropriate environmental conditions or comments to ensure that protection of the environment, and the amenity of the nearby industrial and residential land, is maintained in regards to air emissions, water treatment and disposal and acoustic amenity. It should be noted that Council regularly receives complaints from residential neighbours pertaining to increased noise nuisances during the night and evening periods from the Sydney Ports area creating sleep disturbance. No noise assessment has been provided for the proposed modification. The original noise assessment was completed in 2007 as part of the original approval. Since this time, various sources have indicated that noise sensitivities have increased over recent years within nearby residential areas.

Council notes Port-wide commitment to the minimisation of vehicle and equipment reversing alarms and utilisation of non-tonal squawkers where reversing is still required especially during night time hours and during construction. Council requests that construction vehicles should be required to utilise non-tonal reversing alarms to minimise impacts to adjacent residential areas during night time works. In this regard, the proposal should ensure that the proposed changes to the facility and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations. In this regard, the operation of the premises and plant and equipment



shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level is assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

The potential for odour and any other pollution from the future uses on the site should be addressed. There are to be no emissions or discharges from the premises which would give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

### **Traffic and transport considerations**

Council is continuously investigating offsite queuing and/or circling of trucks within residential areas adjacent to the Port prior to allocated receipt/delivery time slots. The EA states that additional traffic may result in cumulative impacts by potentially increasing queuing / delay and reducing levels of service on the surrounding road network. This raises concerns for Council as to increased off-site impacts on adjacent residential areas from truck queuing. No dedicated traffic analysis has been undertaken for the subject modification. Rather the EA merely focuses on the additional traffic load of 196 heavy vehicle trips per day on the intersection of Bumborah Point Road and Botany Road which is described as operationally acceptable in the surrounding road network.

Additionally, no analysis is made of the traffic impacts of predicted increases of 186 heavy vehicle trips per day on Botany Road (central) and on the intersection of Beauchamp Road and Botany Road, as well as the increases of 166 heavy vehicle trips per day on Botany Road (west) and on the intersection of Beauchamp Road and Botany Road. More importantly, no Level of Service (LoS) impact analysis have been provided for critical intersections to substantiate the broad claim that *"Vopak's future expanded operations are considered to have an insignificant effect on road network and intersection operations"*. In summary, this claim is not supported by any analysis that models the traffic impact of the proposed development (in terms of increased traffic volumes and congestion generated by both construction and operational traffic associated with the proposal and the cumulative effect of the Port Botany expansion) on intersections and road network in the surrounding area and, in particular, local residential streets in the Randwick Local Government area.

Council notes that measures to mitigate these impacts namely involve improvements to reduce tanker queuing on-site with the expectation that this would also ease queuing on major roads off-site. It is contended that these measures have a limited scope in addressing the wider traffic impacts in the road network of surrounding residential areas. Furthermore, these improvements are only proposed under a future, as yet undetermined, Stage 2 component of the project. In this regard, the EA states that the Stage 2 component of the project is scheduled to commence construction when the Road Tanker throughput reaches 2600ML per year. Table 6.1 in the EA indicates that this threshold will be exceeded in 2017 when the throughput is indicated as 3,200ML per year (resulting also in an estimated additional 60 road tankers per day). As this threshold is expected to be reached this year, Council recommends that the traffic mitigation measures be commence this year rather than in an ambiguous future Stage 2 timeframe. The construction of the western access to accommodate the on-site traffic mitigation measures will have minimal impact on Vopak's operations and could occur concurrently in Stage 1 to fast track and mitigate off site impacts from predicted increase in road tankers.

Council supports and encourages Vopak's commitment for road tanker routes to adhere to Dangerous Goods routes and avoid restricted routes. If possible, this

commitment should be incorporated in any additional conditions of consents for the subject modification application.

### **Emergency Response**

Council notes that the EA does not provide adequate details on leak detection and auto shutoff systems and emergency response procedures. This is important with respects to any potential loss of containment or similar emergency event given the significance of the Port Botany Caltex fuel spill event in July 2014. Council encourages Vopak to investigate opportunities to install early leak detection sensor devices on equipment in the proposed new tanking loading bays.

### **Soil, Water and Air Quality Management**

The installation of three new road tanker loading bays under the modification proposal provides an opportunity to also install best practice measures for managing air and water pollution. The EA acknowledges that the new facilities proposed under this modification proposal will introduce more leak sources around the terminal which in turn increases risks during operation and construction. The EA notes that the existing systems will be relied on for managing air and water pollutants. In this regard, the EA states that the Vapour Recovery Unit (VRU) will need to be upgraded or replaced only when the current unit reaches capacity. However, no timeframe has been given by the proponent as to when the current VRU would be upgraded to meet the predicted increase in petroleum product throughput. Accordingly, Council is concerned that no firm commitment has been given by the proponent to upgrade the VRU as well as other water pollutant control devices given the expected volume increases. Such a commitment is possible and can be planned through monitoring and analysing the future life-expectancy and capability of assets on site.

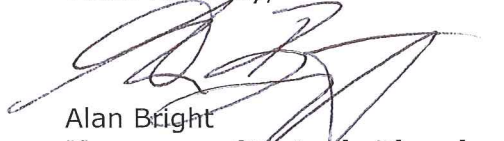
### **Communications and Notifications**

Council reiterates the importance of notifying adjacent residents of the timing for proposed construction works and especially in regard to any proposed out of hours construction works.

Council notes EPL licence condition M6.2 requires that the licensee must notify the public of the complaints line telephone number. Council suggests that any such notification make it clear that the number is to a complaints line and so that the impacted community is aware of how to make a complaint.

Should you have any further questions or wish to discuss any of the comments, please contact David Ongkili Co-ordinator Strategic Planning on 9399 0793.

Yours faithfully,



Alan Bright  
**Manager – Strategic Planning**