



NSW GOVERNMENT
Department of Planning

Contact: Brad Deane
Phone: (02) 9228 6465
Fax: (02) 9228 6466
Email: brad.deane@planning.nsw.gov.au

Our Ref: S07/00381

Mr Tim Gunning
Marstel Terminals Newcastle Pty Ltd
PO Box 175
ALTONA VIC 3018

Dear Mr Gunning

**Director General's Requirements
Kooragang Island Bulk Liquids Storage Facility Project
Project Application No: 07_0044**

The Department has received your application for the Kooragang Island Bulk Liquids Storage Facility Project in the Newcastle local government area.

I have attached a copy of the Director-General's requirements (DGRs) for the project. These requirements have been prepared in consultation with the relevant government authorities, and are based on the information you have provided to date. I have attached a copy of the government authorities comments for your information.

Please note that under section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director-General may alter these requirements at any time.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Department of the Environment and Water Resources in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of National Environmental Significance, and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements will need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment for the project to determine the:

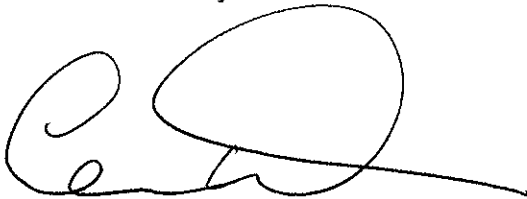
- fees applicable to the application (see Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation, 2000*);
- whether the proposal requires an approval under the EPBC Act and any obligations under that Act;
- consultation and public exhibition arrangements that will apply; and
- the number of copies (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

As you may know, the Department will review the Environmental Assessment in consultation with the relevant authorities to determine if it adequately addresses the Director-General's requirements. If the Director-General considers the Environmental Assessment to be inadequate, you will be required to revise it prior to public exhibition.

The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, I would appreciate it if the documents submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the Environmental Assessment for the project to be hosted on a suitable website with a link to the Department's website.

If you have any enquiries about these requirements, please contact Brad Deane on 02 9228 6465.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line and a small flourish.

4.5.07

Chris Wilson
Executive Director
As delegate of the Director-General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Project	Construction and operation of a bulk liquids storage facility and associated infrastructure
Site	Greenleaf Road, Kooragang Island
Proponent	Marstel Terminals Newcastle Pty Ltd
Date of Issue	26 April 2007
Date of Expiration	26 April 2009
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of the project including the: <ul style="list-style-type: none"> – need for the project; – alternatives considered; and – various components and stages of the project; • consideration of any relevant statutory provisions; • a general overview of the environmental impacts of the project, identifying the key issues for further assessment, and taking into consideration the issues raised during consultation; • a detailed assessment of the key issues specified below, and any other significant issues identified in the general overview of environmental impacts of the project (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment; and – an assessment of the potential impacts of all components of the project (including the pipework) and potential cumulative impacts that may arise from the combined operation of the project and existing activities; • a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts of the project; • a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures; • a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and the benefits of the project; and • a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.
Key Issues	<ul style="list-style-type: none"> • Hazards and Risk – including an assessment of the potential hazards and risks associated with the proposed project. A preliminary risk screening must be completed in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DUAP, 1994), and where necessary, a Preliminary Hazard Analysis (PHA) undertaken; • Water and Soils – including: <ul style="list-style-type: none"> - an assessment of the potential soil, groundwater and surface water impacts including impacts on Newcastle Harbour; - proposed erosion and sediment controls (during construction) and the proposed stormwater management system (during operation); - identification of the potential for spillage of contaminants on the site, the pipeline routes and at the shipping terminal, and mitigation measures; and - an assessment of contaminated groundwater and soils, and acid sulfate soils, and proposed mitigation and management measures.

	<ul style="list-style-type: none"> • Air Quality – including a comprehensive air quality assessment focusing on dust, odour and vapour; • Greenhouse Gas Emissions; • Noise – including construction, operation and traffic noise; • Traffic – including details of the traffic volumes likely to be generated during construction and operation, and an assessment of the predicted impacts of this traffic on the safety and capacity of the surrounding road network; • Visual – particularly the proposed pipelines over the public road network; • Waste Management; • Flora and Fauna; and • Aboriginal Heritage.
References	The Environmental Assessment must take into account relevant State government technical and policy guidelines. While not exhaustive, guidelines which may be relevant to the project are included in the attached list.
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners. The consultation process and the issues raised must be described in the Environmental Assessment.</p> <p>In particular, you should consult with:</p> <ul style="list-style-type: none"> • Department of Environment and Climate Change; • Newcastle Port Corporation; • NSW Waterways; • RTA; and • Newcastle City Council. <p>The consultation process and the issues raised must be described in the EA.</p>
Deemed refusal period	60 days

State Government Technical and Policy Guidelines - For Reference

Aspect	Policy /Methodology
Hazards and Risk	
	Criteria for Land Use Planning: Hazardous Industry Planning Advisory Paper No. 4 (DUAP, 1992)
	The storage and handling of flammable and combustible liquids (Standards Australia, 2004, AS 1940-2004)
	Bunding and Spill Management (DEC, 2001)
	Applying SEPP 33: Hazardous And Offensive Development Application Guidelines (DUAP, 1997)
	Multi-Level Risk Assessment (DUAP, 1997)
	Hazardous Industry Planning Advisory Paper No. 3 – Environmental Risk Impact Assessment Guidelines (DUAP, 1996)
Soil and Water	
	Managing Urban Stormwater: Soils & Construction (Landcom, 2004)
	Acid Sulfate Soil Manual (ASSMAC, 1998)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
	Contaminated Sites: Guidelines for the NSW Auditor Scheme (EPA, 1999)
	NSW State Groundwater Policy Framework Document (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)
Air Quality	
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC, 2005)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC, 2005)
	Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)
Greenhouse Gases	
	AGO Factors and Methods Workbook (Australian Greenhouse Office, 2006)
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	NSW Industrial Noise Policy (DEC, 1999)
	Environmental Noise Control Manual (DEC)
Traffic & Transport	
	Guide to Traffic Generating Development (RTA, 2002)
	RTAs Road Design Guide (RTA, 1996)
Waste	
	Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (DEC, 1999)
	Waste Avoidance and Resource Recovery Strategy (Resource NSW, 2003)
Aboriginal Heritage	
	Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC, 2005)
	Aboriginal Cultural Heritage Standards and Guidelines Kit (DEC, 1997)

Jacqueline Ingham - RE: Marstel Scoping Paper, Kooragang Island - NSW Comments

From: "Rougellis, Persephone" <prougellis@maritime.nsw.gov.au>
To: "Jacqueline Ingham" <Jacqueline.Ingham@planning.nsw.gov.au>
Date: 20/04/2007 15:19
Subject: RE: Marstel Scoping Paper, Kooragang Island - NSW Comments
CC: "Dunkley, Charlie" <mdunkley@maritime.nsw.gov.au>

Dear Jacqueline

Thank you for your email below.

Please find below NSW Maritime's comments in relation to the Environmental Assessment Scoping Paper.

1. NSW Maritime is the owner of the seabed of the Hunter River. The EA should identify whether any part of the proposed works, for eg. the proposed pipeline, will be located over NSW Maritime land. Please note that any work on NSW Maritime land will require its construction approval of the detailed working drawings prior to construction.
2. A full description of all proposed works (temporary or permanent) such as any clearing of vegetation, excavation, stockpiling of material, equipment to be used, demolition and construction activities and revegetation that would occur in or within 40 metres of the Hunter River.
3. An assessment of the likely effects of the proposed works on bank or bed stability or seawalls adjacent to the Hunter River.
4. NSW Maritime's approval will also be necessary for the proposed stormwater discharge to the Hunter River under section 13TA of the Maritime Services Act 1935.
5. Identification of the potential for disturbance of contaminants and/or acid sulfate material and management measures proposed to limit potential adverse impacts.
6. An outline of the measures proposed to be implemented during all stages of construction to minimise the effects of any impacts.
7. Landscaping plans and an appropriate planting schedule which demonstrates maximum use of indigenous vegetation.
8. Information on any other services in the vicinity of the works that may be encountered or affected as a result of the proposed works.

NSW Maritime's Regional Manager Hunter Inland has also advised that from a recreational boating perspective the proposal will not have any impact on navigation.

If you have any questions in relation to the above please call me on 9364 2176.

Many regards
Persephone Rougellis

Manager Property Planning
NSW Maritime

T 9364 2176
F 9364 2444

-----Original Message-----

From: Jacqueline Ingham [mailto:Jacqueline.Ingham@planning.nsw.gov.au]
Sent: Friday, 20 April 2007 11:50 AM
To: Rougellis, Persephone
Cc: Chris Ritchie
Subject: Fwd: FW: Marstel Scoping Paper

Dear Persephone

Attached is the preliminary assessment for a proposed bulk liquid storage facility at Kooragang Island by Marstel Terminals Newcastle Pty Ltd. As discussed, a hard copy of the preliminary document was sent to the wrong address. A copy of the Preliminary Document has also been sent to Chris Scherbak of your Newcastle Office.

As the DGRs must be issued today, I would appreciate comments from Maritime NSW. If this is not possible, we will consider re-issuing the DGRs following receipt of NSW Waterways comments. Could you please send any comments to me at Jacqueline.Ingham@planning.nsw.gov.au and Brad Deane at Brad.Deane@planning.nsw.gov.au.

Thanks for your assistance with this matter, and once again apologies for the short time frame.

Regards

Jacqueline

Jacqueline Ingham
Senior Environmental Planner
Major Development Assessment
Department of Planning
Bridge Street Building
23-33 Bridge Street Sydney
GPO Box 39 Sydney NSW 2001
Direct Tel: 9228 6338

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Views expressed in this message are those of the sender rather than NSW Maritime unless the content of the message indicates to the contrary.



NSW Government
DEPARTMENT OF NATURAL RESOURCES

Your ref: PA No. 07_0044
Our ref: ER7260

2 April 2007

Manager, Manufacturing and Rural Industries
Major Development Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Brad Deane

Dear Sir

**Project Application 07_0044 - Request for Key Issues and Assessment Requirements
Proposed Construction and Operation of a Bulk Liquids Storage Facility
Lots 1 to 4 DP 234887 Greenleaf Road, Kooragang Island**

I refer to your letter of 26 March 2007 in the above matter. The Department of Natural Resources (DNR) provides the following advice:

Groundwater Protection

A key issue is groundwater protection. The proposal has the potential to cause pollution of the groundwater (both on and off-site impacts). The environmental assessment is required to address the potential for groundwater pollution/ contamination and incorporate strategies for groundwater monitoring, contingency plans and remediation.

Groundwater Policies

The purpose of the State groundwater policies is to guide the management of the State's groundwater resources so that they can sustain environmental, social and economic uses for the people of New South Wales. Groundwater policies include:

- NSW Groundwater Policy Framework Document - General
- NSW Groundwater Quantity Management Policy
- NSW Groundwater Quality Protection Policy
- NSW Groundwater Dependent Ecosystem Policy

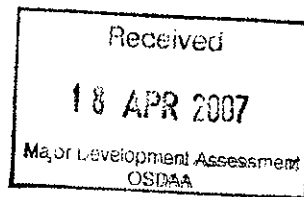
Monitoring bores or excavation works that intercept the groundwater require licensing under Part 5 of the *Water Act 1912*.

Enquiries in respect of approval requirements under the *Water Act 1912* should be made to Hemantha De Silva, Senior Licensing Officer, Licensing North Branch on telephone 4904 2525 at this office.

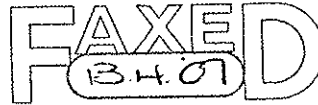
Yours sincerely

Peter Johns
Natural Resource Project Officer
Licensing and Strategy Branch
Newcastle

SP&D GM/KF
07/X001
Phone: 0249742767



13 April 2007



Chris Ritchie
Manager
Manufacturing and Rural Industries
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au

Dear Mr Ritchie

**RE: PROPOSED BULK LIQUIDS STORAGE FACILITY FOR THE RECEIVAL,
STORAGE, BLENDING AND DISTRIBUTION OF HIGH QUALITY FUELS AND
BIOFUELS
PROPERTIES: 4 & 6 GREENLEAF ROAD KOORAGANG**

I refer to your letter of 26 March 2007 and accompanying preliminary documentation and plans relating to the abovementioned project.

It is understood that this project will be addressed as **critical infrastructure** under Part 3A of the Environmental Planning and Assessment Act 1979 which provides an assessment and approvals regime for major projects where the Minister for Planning is the approval authority.

It is recommended that the required Environmental Assessment (EA) address the following matters:-

1. Newcastle Local Environment Plan 2003

Demonstrate that the proposed development is consistent with the relevant objectives of the Newcastle Local Environment Plan (NLEP) 2003. (Refer also to comments relating to Acid Sulphate Soils)

2. Newcastle Development Control Plan 2005

Demonstrate compliance with the relevant requirements of the Newcastle Development Control Plan 2005. In this regard, the proposed carparking layout indicated on the site plan F3 is not satisfactory.

3. Hunter Regional Environmental Plan 1989

Consideration of the Plan have regard also to Clause 58 – Tall buildings.

4. State Environment Planning Policy – Policy 33 – Hazardous and Offensive Development

The Environmental Scoping Report (ESR) prepared by HLA – Environscience Pty Ltd, states (Pg13):

"The proposed project is defined as a 'goods terminal' under the provisions of Clause 37 of LEP 2003 and SEPP 33 does not apply to the proposal. Due to the potentially hazardous nature of the proposed project (storage of petroleum products), however, a PHA will be prepared for the EA as outlined in Section 8.1."

It is unclear why the consultant has concluded SEPP33 does not apply. Clause 6 of SEPP33 ensures that the provisions of the SEPP prevail over the NLEP 2003. Furthermore, this does not change whether the project is potentially hazardous or offensive. In fact, without a PHA (and associated mitigation/safety measures), the project could be considered an hazardous or offensive industry which is a prohibited use within the 4(b) Port and Industry Zone pursuant to Clause 15 of the NLEP 2003.

5. General Comments

a) Contamination

The ESR prepared states

- *'contaminated soil may be present on the terminal site'*

This statement is correct as contaminated soil is likely to be present due to the historical and current landuses occupying Kooragang Island. Due to the level of excavation proposed for the storage tanks, pipeline and amenity services the potential of encountering contaminated soil is high. The ESR notes that a contamination site assessment is currently being prepared by the proponent. Council recommends and endorses that a contamination site assessment be undertaken.

The ESR notes that the pipeline that is proposed to be constructed from the K2 shipping berth to the proposed bulk fuels storage facility will travel across land owned by Orica. The tract of land through which the pipeline is proposed to travel should be included within the contamination site assessment due to excavation being required for pipeline footings. This land should be included as it may be potentially contaminated from previous industrial activities and by activities currently undertaken by Orica.

The ESR notes that the natural aquifer on Kooragang Island is affected by existing and historical developments in the area. Groundwater sampling should be undertaken within the contamination site assessment to ascertain the extent of potential groundwater contamination at the proposed development site.

b) Acid Sulphate Soils

Excavation as part of the construction activities of the proposed development has the potential to expose and liberate acid sulphate soils. Clause 25 of the Newcastle Local Environment Plan (LEP) 2003 provides;

- *'A person shall not, without the consent of the consent authority, carry out works on land....being Class 1, 2, 3, 4, or 5 land as indicated on the 'Potential Acid Sulphate Soils Planning Map'.*

The proposed site of the bulk fuel storage facility is Class 2 on the 'Potential Acid Sulphate Soils Planning Map'. Clause 25 of the LEP 2003 also provides

- *'The consent authority shall not grant consent....unless it has considered the adequacy of an acid sulphate soils management plan prepared for the proposed development in accordance with the 'Acid Sulphate Soils Manual'*

Therefore, testing should be conducted to ascertain the presence of acid sulphate soils on-site. If sampling shows that potential or actual acid sulphate soils are present on-site an Acid Sulphate Soils Management Plan should be prepared in accordance with the Department of Natural Resources 'Acid Sulphate Soils Manual'.

c) Sediment and Erosion

The ESR states that sediment and erosion control measures will be contained within a Construction Environmental Management Plan (CEMP). The Newcastle Development Control Plan (DCP) 2005 states

- *'Soil and water management plans are required for all development where site disturbance is greater than 1000m²'*

The amount of excavation proposed is likely to total greater than 1000m². Due to the amount of excavation and proximity to the Hunter River a comprehensive soil and water management plan will need to be prepared in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the "Blue Book") published by Landcom, 2004.

d) Dust

The ESR notes that control of dust emissions throughout the construction phase will be managed by procedures outlined in the CEMP. Measures to reduce dust during the construction phase, especially under adverse meteorological conditions should be included in the CEMP to prevent loss of fine soil particles and limit the number of complaints from surrounding industries and residences. The CEMP should include dust mitigation measures for exposed or excavated areas, stockpiles and internal roads.

e) Air Quality

The main pollutant of concern with regards to the proposal will be volatile organic liquids. The storage of volatile organic liquids in storage tanks and measures required to limit the amount of vapour released to the atmosphere is contained within the *Protection of the Environment Operations (Clean Air) Regulation 2002*. The storage tanks must be designed and incorporate all available measures such as floating tanks roofs and vapour recovery units in accordance with the *Protection of the Environment Operations (Clean Air) Regulation 2002*.

The fuel delivery gantry system and pipelines delivering fuel to the proposed fuel storage terminal are also subject to the *Protection of the Environment Operations (Clean Air) Regulation 2002*. The gantry should be fitted with a vapour recovery unit while measures appropriate measures should be implemented for the delivery hoses and transfer pipelines in accordance with the *Protection of the Environment Operations (Clean Air) Regulation 2002* to minimise the loss of volatile organic liquids vapour.

The proposed bulk fuel storage terminal has the potential to increase the emission of greenhouse gases. Mitigation strategies to reduce the amount of greenhouse gases as a result of the operation of the proposed terminal should be investigated and included in an air quality assessment contained within the Environmental Assessment.

It must be noted that the shipping component of the transport of petroleum products should be included in an air quality assessment. Transport ships provide a source of both dust and greenhouse gas emissions and should therefore be included in an air quality assessment. Due to the proposed fuel terminal being located within a large transport harbour, Newcastle Harbour, this consideration should be taken into account as a large number of ships pass through the port.

f) Noise

The ESR indicates that a noise impact assessment will be prepared as part of the Environmental Assessment. This noise impact assessment should take into account potential noise sources from the operation of the proposed terminal. Noise sources may include pumps, noise from trucks within the gantry area and traffic noise from ships and trucks. These potential noise impacts should be assessed against the Department of Environment and Conservation's '*Industrial Noise Policy*'.

Due to the scale of the development the potential impact of construction noise on surrounding residents should be addressed within the noise impact assessment. In addressing construction noise potential noise mitigation strategies may be included in accordance with Australian Standards, AS 2436. *1981 Guide to Noise control on Construction, Maintenance and Demolition Sites*.

g) Vibration

The ESR notes that vibration may be a potential issue in the construction phase of the proposed development. If pile driving activities are determined to be required within the geotechnical report a vibration impact report should be prepared. This report should be prepared in accordance with the Department of Environment and Conservation's "*Assessing Vibration: a technical guideline*".

h) Water Quality and Bunding

Due to the proximity of the site to the Hunter River water quality is an issue that will be required to be addressed. The ESR prepared by HLA-Envirosciences has provided information stormwater measures to be implemented to protect water quality. Further detail regarding the proposed stormwater measures will need to be included within the Environmental Assessment.

The ESR notes that bunding will be constructed around the boundary of the proposed terminal. Further information is required regarding the bunding measures to be installed and any intermediate bunding that may be proposed around individual tanks. The bunding proposed to be implemented should be designed and constructed in accordance with AS 1940. 2004 *The storage and handling of flammable and combustible liquids*.

i) Odour

The ESR indicates that through community consultation that the issue of odour has been raised. Therefore, the likely impact of any potential offensive odours should be addressed in the Environmental Assessment.

j) Noxious Weeds

The ESR notes that Bitou Bush is present on-site. Both Bitou Bush (*Chrysanthemoides monilifera ssp rotunda*) and Boneseed (*Chrysanthemoides monilifera ssp monilifera*) are listed as Class 4 weeds under the *Noxious Weeds Act 1993* for Newcastle Local Government Area. The removal of this weed will be conducted during site clearing, but it is recommended that a noxious weeds management plan be prepared to ensure that these plants are appropriately removed and disposed of to prevent further spread of these species.

k) Risk Assessment

While a PHA is required under SEPP33 it is recommended that a full multi-level risk assessment be undertaken. It is acknowledged that the diesels are not likely to be dangerous on their own, however there are other material offsite which could be hazardous if combined with this project.

Further details are required of the exact breakdown of projects and storage of on the site. It being noted that page 6 of the ESR refers to unleaded fuels also being stored on site. Inclusion of 'Material Handling Data Sheets' is also helpful in assessing these projects.

l) Crime Prevention Through Environmental Design

In the context of the previous point it is recommended that the principles of CPTED be addressed. What fail safe measures will be incorporated into the project especially for those components of the proposed pipeline located within public lands?

m) Traffic

An assessment should be undertaken of the likely impact of the additional traffic movements generated by the project upon the safety and efficiency of the local road network.

n) Visual Impact

Newcastle City Council together with Maitland and Port Stephens Councils and the Department of Natural Resources is currently preparing an Estuary Management Plan for the Hunter River Estuary. Welsh Point has been identified as a valued site for open space and harbour/estuary views that should be maintained where possible. The location of the proposed bulk storage tanks in the southern and of the subject site will impede these new corridors.

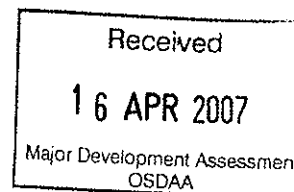
Should you require clarification of any of the matters raised in this letter I can be contacted on 02 49742767 during normal office hours.

Yours faithfully



Geof Mansfield
DEVELOPMENT & BUILDING CO-ORDINATOR
CITY WEST

325DA135;1
07/583, 07/607
Seamus Christley



Manager, Manufacturing and Rural Industries
Major Development Assessment
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Brad Deane

REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS – BULK LIQUIDS STORAGE FACILITY, GREENLEAF ROAD KOORAGANG ISLAND

Dear Mr Deane

I refer to your letter dated 26 March 2007 and your email dated 26 March 2007, regarding the subject proposal and the Department's request for key issues and environmental assessment requirements.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. The road of interest to the RTA in the area is Cormorant Road / Teal Street (MR108) as a classified State Road. RTA concurrence is required for connections to these roads, and traffic control facilities, under Section 138 and 87 of the Act, with Council consent. Council is the roads authority for all public roads in the area.

Our requirements for the environmental impact assessment primarily relate to traffic generation to / from the site. In this regard the following guidelines would apply:

- Planning NSW EIS Guidelines
 - *Road and Related Facilities*
- Roads and Traffic Authority's *Guide to Traffic Generating Developments*
- EPA's *Environmental Criteria for Road Noise*

The RTA's interests in relation to the road network are to:

- Maintain an efficient and safe road system (includes SEPP 11 considerations)
- Facilitate the integration of land use and transport

Roads and Traffic Authority



59 Darby Street
Newcastle NSW 2300

Locked Bag 30 Newcastle NSW 2300
DX 7813 Newcastle

T 02 4924 0240

www.rta.nsw.gov.au

l) Crime Prevention Through Environmental Design

In the context of the previous point it is recommended that the principles of CPTED be addressed. What fail safe measures will be incorporated into the project especially for those components of the proposed pipeline located within public lands?

m) Traffic

An assessment should be undertaken of the likely impact of the additional traffic movements generated by the project upon the safety and efficiency of the local road network.

n) Visual Impact

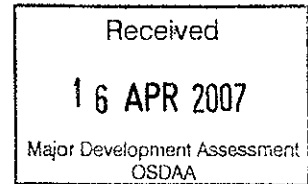
Newcastle City Council together with Maitland and Port Stephens Councils and the Department of Natural Resources is currently preparing an Estuary Management Plan for the Hunter River Estuary. Welsh Point has been identified as a valued site for open space and harbour/estuary views that should be maintained where possible. The location of the proposed bulk storage tanks in the southern and of the subject site will impede these new corridors.

Should you require clarification of any of the matters raised in this letter I can be contacted on 02 49742767 during normal office hours.

Yours faithfully



Geof Mansfield
DEVELOPMENT & BUILDING CO-ORDINATOR
CITY WEST



06/6078/PD 1729

11th April 2007

Chris Ritchie
Manager-Manufacturing and Rural Industries
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Chris,

**KEY ISSUES AND ASSESSMENT REQUIREMENTS: BULK LIQUID STORAGE FACILITY,
GREENLEAF ROAD, KOORAGANG**

I refer to your letter of the 26th March 2007, requesting the Newcastle Port Corporation (NPC) requirements for the preparation of the Environmental Assessment for the above proposal.

NPC supports trade growth and diversification at the Port and welcomes new port infrastructure such as bulk liquid storage facilities.

You would be aware that the Port of Newcastle includes areas of significant environmental value, including the Kooragang Nature Reserve which has been listed under the Ramsar Convention on Wetlands.

The Port of Newcastle is regulated by a suite of NSW and Commonwealth environmental legislation including the *NSW Protection of the Environment Operations Act 1997*, *Environmental Planning and Assessment Act 1979* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The requirements of this legislation will need to be met by the applicant.

You have provided NPC with a copy of the HLA - Envirosiences Pty Ltd (HLA) scoping report (prepared for Marstel Terminals Pty Ltd) to assist with preparation of advice to the Director General NSW Planning. The NPC advice is based on, but not limited to information contained within the HLA Scoping Report.

There are a number of environmental and other factors that are required to be considered in the Environmental Assessment which are specified in the HLA scoping report. It is expected that where specific environmental impacts are identified in the Environmental Assessment appropriate control measures will be developed to mitigate impacts. Impacts may also be mitigated by conditions of consent if the development application is approved.

Newcastle Port Corporation
ABN 50 825 884 846

Corner Scott and Newcomen Streets Newcastle NSW 2300 Australia P.O. Box 663
Telephone (02) 4985 8222 Toll Free NSW 1800 048 205 Facsimile (02) 4926 4596
Email: mail@newportcorp.com Website address: <http://www.newportcorp.com>

In particular the Environmental Assessment should consider (but not be limited to) the following environmental factors (during construction and operation phases):

- Petroleum spill management during normal operations at the common user wharf. It is noted that the wharf is not specifically designed as a bulk liquids wharf.
- Petroleum spill management during a high risk event which may require a disaster management response.
- Water (e.g. stormwater management and sediment/erosion control).
- Resource conservation (e.g. waste minimisation strategies).
- Noise.
- Air (e.g. dust emissions during construction and contaminant emission during operation).
- Pollution controls (e.g. storage tanks to be bunded).
- Threatened species and or communities (e.g. ecosystem impacts).
- Cultural heritage.
- Contamination, including Acid Sulphate Soils; and
- SEPP 33 – Hazardous and Offensive Development. This should also include references to AS 3846 – 2005 The Handling and Transport of Dangerous Cargoes in Port Areas

Other factors for consideration include:

- Maritime safety.
- Maritime traffic.
- Visual amenity.
- Harbour capacity.

The assessment should also consider the likely cumulative impact as the result of a catastrophic event, from existing activities in the broad vicinity of the site. These activities include the transfer of ammonia nitrate from wharves K2 and K3 to facilities operated by Orica on Kooragang Island.

The types of specific NPC assessments which have been required for other projects are specified in the attachment to this letter. Similar requirements will be required for this project.

It is further understood that the proposed facility will operate under an Environment Protection Licence (EPL) issued by Department of Environment and Conservation (DEC) under the *Protection of the Environment Operations Act 1997*.

A determination should be made as to whether the construction of the pipeline is subject to approval under the *Pipelines Act 1967*.

A determination should be made as to whether the storage of fuels is licensed by Workcover NSW under the *Dangerous Goods Act 1975*.

Further consideration should be made as to whether an application should be made to Department of Environment and Water Resources under the *Environment Protection and Biodiversity Act 1999*.

Yours sincerely



ANNETTE WOODS
GENERAL MANAGER PLANNING AND DEVELOPMENT

NEWCASTLE PORT CORPORATION CONDITIONS OF APPROVAL GENERIC PROJECT

Definitions:

the proponent is taken to include the proponent inclusive of any agents, contractors, consultants or persons acting on the proponents behalf.

Prevention of Pollution of Waters

The proponent shall take all precautionary measures to prevent the pollution of waters of the Port of Newcastle by oil, oily substances, and other noxious substances.

The proponent shall ensure any discharges activities are within permissible parameters.

Immediately upon becoming aware of any pollution incident or pollution activity, the proponent shall notify Newcastle Port Corporation (in addition to any other required notifications) on 02 4985 8301 (24hrs) or VHF Channel 9.

Any contamination of the general port area resulting will be removed by the proponent to the satisfaction of the Newcastle Port Corporation.

Prevention of Marine Pests

All vessels, dredges, barges or other floating equipment associated with the proposal shall be inspected prior to entry into Port of Newcastle to ensure they are free from biofouling.

Documented evidence shall be provided to Newcastle Port Corporation prior to any equipment or vessel entry into the Port stating inspections have been undertaken and vessel and equipment are free from biofouling. Newcastle Port Corporation may verify equipment and vessels are free from biofouling by underwater inspection.

Port Security

The proponent shall comply with all requirements of the Commonwealth Maritime Transport and Offshore Facilities Security Act 2003 and Regulation 2003, and any security related directions or requests from Newcastle Port Corporation (as Port Operator) which may arise. The proponent shall ensure that any requirements relating to port security zones and/or restricted areas are met.

As required by the Maritime Transport and Offshore Facilities Security Act 2003, all security related incidents occurring within the Port of Newcastle shall be immediately reported to Newcastle Port Corporation (as Port Operator) on 02 4985 8301 (24hrs) or VHF Channel 9.

The proponent shall ensure all persons associated with the proposal are inducted by Newcastle Port Corporation and obtain all necessary access and identification passes, including relevant background checks.

Dangerous Goods

The proponent shall ensure that all approvals and permits for any dangerous goods required in connection with the proposal are obtained and complied with, including obtaining relevant clearances received from Newcastle Port Corporation.

Navigation Aids

The proponent shall consult and obtain prior agreement from Newcastle Port Corporation regarding the design, location, and installation of any temporary and / or permanent navigation aids required in connection with the proposal, including any relocation of current navigational aids.

Limited Certificate of Local Knowledge

In finalising Masters who will operate vessels within the Port of Newcastle, prior agreement shall be obtained from Newcastle Port Corporation regarding issuing of limited Certificates of Local Knowledge.

Port Operations

Prior to any vessel or floating equipment entry into the Port of Newcastle, the proponent shall prepare in consultation with Newcastle Port Corporation, a Port Operations Management Plan to the satisfaction of Newcastle Port Corporation.

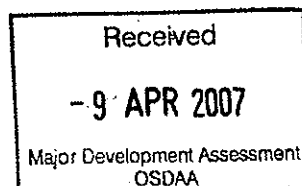
The Port Operations Management Plan shall be submitted to Newcastle Port Corporation at least 8 weeks prior to proposed entry of any vessels or equipment into the Port of Newcastle.

The Port Operations Management Plan shall address but not be limited to:

- Navigation (including movement of barges and interaction with commercial shipping);
- Location and lighting of all floating plant and equipment (including pipelines);
- Movements within the Port (including transit to disposal ground);
- Details of any tie-up facilities for floating plant and equipment;
- Communication (including communication with the Vessel Traffic Information Centre);
- Notification requirements; and
- Risk assessments for all activities.

All Management Plans submitted involving Port Operations shall be prepared on the understanding that commercial operations and shipping take priority.

Our reference : DOC07/11728 File: FIL06/924 Part 3A
Contact : Ross Brylinsky (02) 4908 6809



Department of Planning
GPO Box 39
SYDNEY NSW 2001
Attention: Chris Ritchie

5 APR 2007

Dear Mr Ritchie

**BULK LIQUIDS STORAGE FACILITY - GREENLEAF ROAD, KOORAGANG ISLAND
PART 3A ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

I refer to your letter of 26 March 2007 requesting the Department of Environment and Conservation's (DEC's) requirements for an Environmental Assessment (EA) for a proposed bulk liquids storage facility at Greenleaf Road, Kooragang Island. It is understood that the development application will be considered under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act).

General EA requirements

There are no specific guidelines for the preparation of an EA for a fuel storage terminal. However, general information is required in any EA to provide sufficient information to enable the DEC to accurately assess a development's environmental implications.

It is assumed that the requirements of the Director General of the Department of Planning will adequately prescribe the required structure of the EA and the baseline information typically required by an EA for a development of this nature. This information would cover details such as descriptions of the site, the development, and individual elements of the development; considerations of alternatives; justifications for the development; impacts on existing infrastructure and services; planning issues; and a description of the existing environment.

Specific Information required by the DEC

Additional information is also required by the DEC, both to enable the assessment of the development in relation to the DEC's statutory responsibilities under the Protection of the Environment Operations Act 1997 (POEO), and to provide our general conditions of consent. Specifically, the requirements of Section 45 of the POEO and Section 5A of the Environmental Planning and Assessment Act 1979 must be addressed.

In addition, the information provided in the EA should make it possible to determine whether a permit to disturb Aboriginal objects under Part 6 s87, or whether a licence to destroy, deface or damage Aboriginal objects may be required under Part 6 s90, of the National Parks and Wildlife Act 1974.

The DEC requires the EA to address the following issues in detail: -

1. Air Pollution

The EA should identify and describe in detail all possible sources of air pollution beyond the boundary of the development site. This should cover both the establishment and operational phases of the development. Cumulative impacts associated with existing developments and any developments that have been granted development consent but which have not commenced should also be addressed.

The EA should demonstrate that any proposed fuel storage tanks will be constructed in accordance with the Protection of the Environment (Clean Air) Regulation 2002.

The EA should also demonstrate that the facility will operate within the DEC's objectives, which are to minimise adverse effects on the amenity of local residents and sensitive land uses, and to limit the effects of emissions on local, regional and inter-regional air quality. Methodologies used and assumptions made to predict the impacts should be described, together with a description of any pollution control measures to be implemented. Details of vapour recovery systems should also be provided.

Air pollutant emission rates, ambient air quality data and meteorological data used in the assessment must be clearly stated and justified. For potentially odorous emissions, emission rates in terms of odour units should be established using techniques approved by the DEC.

2. Water Quality

The EA must provide sufficient information to demonstrate that the construction and operation of the proposed development will not cause water pollution. The methodology, data and assumptions used to assess the potential impact of the development on water quality must be fully documented and justified.

Given the nature of this proposal, the EA must address the potential for spillage of fuels at transfer points, including any marine unloading facilities located on the Hunter River or Port of Newcastle, and proposed spillage controls to mitigate pollution of waters.

The quality of the stormwater to be drained from the development site should also be described, together with proposed measures to mitigate against impacts on water quality in the Hunter River. The DEC has adopted the Australian and New Zealand Environment Conservation Council Water Quality Guidelines for Fresh and Marine Waters (ANZECC, 1992) as a guide for the assessment of environmental impacts on aquatic ecosystems.

In considering any proposal to discharge polluted water from the site the DEC would take into account the extent to which the following principles have been applied:

- Maximising on-site re-use of process water;
- Preventing dry weather discharges and minimising wet weather overflows from polluted water storage;
- Minimisation of vegetation clearing and ensuring revegetation occurs as soon as practicable;
- Effective management of stormwater to segregate surface run-off from undisturbed areas and disturbed areas; and
- Spillage controls and bunding.

The methodology, data and assumptions used to design any pollution control works and assess the potential impact of the development on water quality in the Hunter River, Port of Newcastle and groundwater must be fully documented and justified.

3. Noise Emissions

Noise levels within the Port of Newcastle have been identified as a significant issue. Recently prepared noise impact assessments for new developments indicate that the existing noise levels in residential areas of Carrington, Stockton and the Newcastle foreshore already exceed the DEC's recommended background planning noise levels.

The EA must include a comprehensive noise assessment of the existing environment, potential impacts, and proposed noise amelioration measures over the life of the development. The EA should identify all potential noise sources and describe the extent to which noise emissions are likely to impact on any residences in the vicinity of the site including, but not necessarily limited to, the residential areas of Newcastle, Stockton, and Carrington. The New South Wales Industrial Noise Policy (DEC, 2000) provides a comprehensive guide to the determination of background noise levels, prediction of likely noise levels and assessment of noise impacts. The EA should clearly show that the process detailed in this policy has been closely followed.

The evaluation should cover the construction and operational phases of the development over the operating hours proposed, and take into account adverse weather conditions including temperature inversions. Sound power levels measured or estimated for all plant and equipment should be clearly stated and justified. Additionally, the EA should include an assessment of cumulative noise impacts, having regard to existing developments and any developments which have received development consent in the Port area but which have not commenced.

3.1 Road Traffic Noise

Road transport of cargo from the development site has the potential to increase disturbance in residential areas in the immediate vicinity of the development, and along transport routes more distant from the development site. To assess the extent of the impact, the noise assessment should identify the transport route(s) to be used and quantify the noise impacts. The guidelines contained in the DEC's publication "Environmental Criteria for Road Traffic Noise (June 1999) describes the methods used to determine noise planning levels for road traffic noise in locations of varying sensitivity.

The methodology, data and assumptions used to assess the impact of road haulage on residential properties must be fully documented and justified.

Where disturbance due to road transport is likely to exceed the recommended criteria, the EA must describe the measures proposed to mitigate the impacts and the extent to which the measures are likely to be effective in achieving the relevant criteria.

If the planning noise levels cannot be achieved after applying the best practicable noise control measures, additional information should be provided to demonstrate the socio-economic benefits of the proposal. This information may include:

- i) the overall value of the development in an economic sense to the region and the State;
- ii) the overall value of the development in a social sense to the region;
- iii) changed land use values; and
- iv) community acceptance.

4. Waste Management

The EA must identify all potential sources of liquid wastes and non-liquid wastes as defined in the DEC's environmental guideline titled "Assessment, Classification and Management of Liquid and Non-liquid Wastes" (DEC, 1999). It should detail the quantity of waste likely to be produced, and the measures to be used to store, treat and dispose of this material. The EA should identify all re-use options for useable waste products.

The EA must identify any chemical storage areas to be established on the site, and describe the measures proposed to minimise the potential for leakage or migration of pollutants into the soil, groundwater, the Hunter River or the Port of Newcastle.

5. Contaminated Land Assessment

The EA should include a quantitative assessment of the level of contamination of soil or groundwater on the site based on the known history of the site. Where contamination levels are known or suspected of exceeding appropriate public health or environmental guidelines, the EA should describe the actions or works to be implemented to address the issue. The following DEC guidelines provide a useful reference to the assessment and reporting on contaminated sites:

- Guidelines for Consultants Reporting on Contaminated Sites (DEC 1997); and
- Contaminated Sites, Sampling Design Guidelines (DEC 1995).

6. Construction Phase

Impacts of any specific activities involved in site preparation should be identified. Details of appropriate erosion and sedimentation controls, dust suppression and noise controls should be included in the EA.

The likelihood of disturbing acid sulfate soils during the construction phase must be detailed in the EA, and contingency plans proposed for the management of acid sulfate material proposed.

7. Flora

It is noted that the subject site has been modified from its natural condition. Therefore, the following requirements should be addressed at a level of investigation appropriate to the site's current condition.

A comprehensive description of the vegetation of the subject site should be prepared. This should include an assessment of the condition of the plant communities present, including the designation of conservation significance at a local, regional and State level, and an assessment of the likely occurrence of any threatened species, populations and/or ecological communities listed under Schedules 1 or 2 of the Threatened Species Conservation Act 1995 and any Rare or Threatened Australian Plant (ROTAP) species.

A plan showing the distribution of any threatened or ROTAP species and the vegetation communities on the subject site, and the extent of vegetation proposed to be cleared should be provided. This plan should be at the same scale as the plan of the area subject to development, and preferably showing the footprint of the proposed development superimposed on the vegetation, in order to assist in the assessment of impacts on existing vegetation.

Where the assessment concludes that threatened species, populations or their habitats, or endangered ecological communities exist on or are in close proximity to the subject site, the effect of the proposed development should be determined by an assessment pursuant to Section 5A of

the Environmental Planning and Assessment Act 1979. An assessment of the impact of the development on the plant communities and / or ROTAP species should also be provided.

A description of the measures proposed to mitigate and/or ameliorate the impact of the development on the plant communities, threatened and ROTAP species.

8. Fauna

It is noted that the subject site has been modified from its natural condition. Therefore, the following requirements should be addressed at a level of investigation appropriate to the site's current condition.

A fauna survey to identify the distribution and abundance of fauna species known or likely to use the subject site should be undertaken. This should include a description of available fauna habitats and an assessment of the conservation status of each of the faunal components at a local, regional and State level.

A plan showing the results of the above survey should be provided. The plan should be at the same scale as (or as an overlay to) the plan of the development footprint and overall site, to assist in the assessment of potential impacts of the proposal on fauna.

An assessment of the potential impact of the development on fauna should be provided.

An assessment of the occurrence or likely occurrence of threatened species or populations, or their habitats, on the subject land should be provided. Where the assessment concludes that threatened species or populations, or their habitats, exist on or in close proximity to the subject site, the effect of the proposal should be determined in accordance with an assessment pursuant to Section 5A of the Environmental Planning and Assessment Act 1979.

A description of the measures proposed to mitigate and/or ameliorate the impact of the development on fauna should be provided.

9. Surveys and Assessments

Fauna, flora, vegetation and cultural heritage surveys should be undertaken by suitably qualified persons and the qualifications and experience of the persons undertaking the work should be provided.

Dates and times, site locations, survey design and methodology, analysis techniques and weather conditions at the time of the assessments and surveys must be provided. The limitations of surveys should be identified and the results interpreted accordingly.

Conclusions drawn in surveys and assessments should be substantiated by evidence resulting from those surveys and assessments. The document being supported by the surveys and assessments should reflect the conclusions and clearly state where recommendations of the survey and assessments have been incorporated in the proposal.

10. Aboriginal Cultural Heritage

It should be noted that Aboriginal cultural heritage is ubiquitous in the Lower Hunter area, even in areas that have already been highly modified. If any excavation is proposed, for example for piles or footings, then there may be potential to uncover Aboriginal objects.

The presence or absence of Aboriginal objects should be identified and the significance of the area to the local Aboriginal community must be determined. Accordingly, a search of the Aboriginal Heritage information Management System (AHIMS) should be conducted.

An assessment of the archaeological sensitivity of areas of the subject site and identification of significance of the site to the local Aboriginal community should be undertaken by an appropriately qualified person in consultation with the local Aboriginal community. Pending the outcome of this preliminary assessment, there may be a need for an archaeological survey of the subject site by a suitably qualified person.

Aboriginal objects and places of significance to the Aboriginal community should be detailed on a plan. This plan should be at the same scale as that of the subject site and development footprint, to assist in the assessment of the impact of the proposal on the identified cultural components.

A report discussing the results of survey and consultation, and including a description of measures proposed to mitigation impacts of the development on any identified Aboriginal objects and other recommendations, should be prepared in accordance with the NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit and submitted with the EA for review.

A contingency plan that details the measures to be taken in the event that Aboriginal objects are discovered during the course of works on the subject site must be prepared.

11. Monitoring Programs

The EA should include a detailed assessment of any noise, air quality or water quality monitoring required during the construction phase and on-going operation of the facility to ensure that the development achieves a satisfactory level of environmental performance. The evaluation should include a detailed description of the monitoring strategies, sample analysis methods, and the level of reporting proposed.

12. Statutory Requirements

Schedule 1 of the Protection of the Environment Operations Act (1997) specifies activities that will require an Environment Protection Licence. General information on licence requirements can also be obtained from the DEC's Pollution Line on 131555 or can be found on the DEC website at <http://www.environment.nsw.gov.au/legal/>.

If you have any questions concerning the DEC's requirements please contact Ross Brylinsky on (02) 4908 6809.

Yours sincerely



MITCHELL BENNETT
Head Regional Operations Unit
North East Branch
Environment Protection and Regulation