



Planning & Environment

ASSESSMENT REPORT

Section 75W Modification Park Fuels Facility, Kooragang Island (07_0066 MOD 5)

1. INTRODUCTION

This report assesses a modification request by Park Pty Ltd (the Proponent) to increase the throughput at the Park Fuels Facility at Kooragang Island (the Site) from the current approved 577 Million litres per annum (Mlpa) to 980 Mlpa. The request has been lodged pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Proponent operates a marine fuel storage, distribution and biodiesel production facility at Greenleaf Road, on the southern portion of Kooragang Island in the Newcastle local government area (see **Figure 1**). The Site is located on land which is managed by Port of Newcastle and is subject to a 98-year lease agreement which commenced on 30 May 2014 between the NSW Government and the Port of Newcastle Lessor Pty Limited.

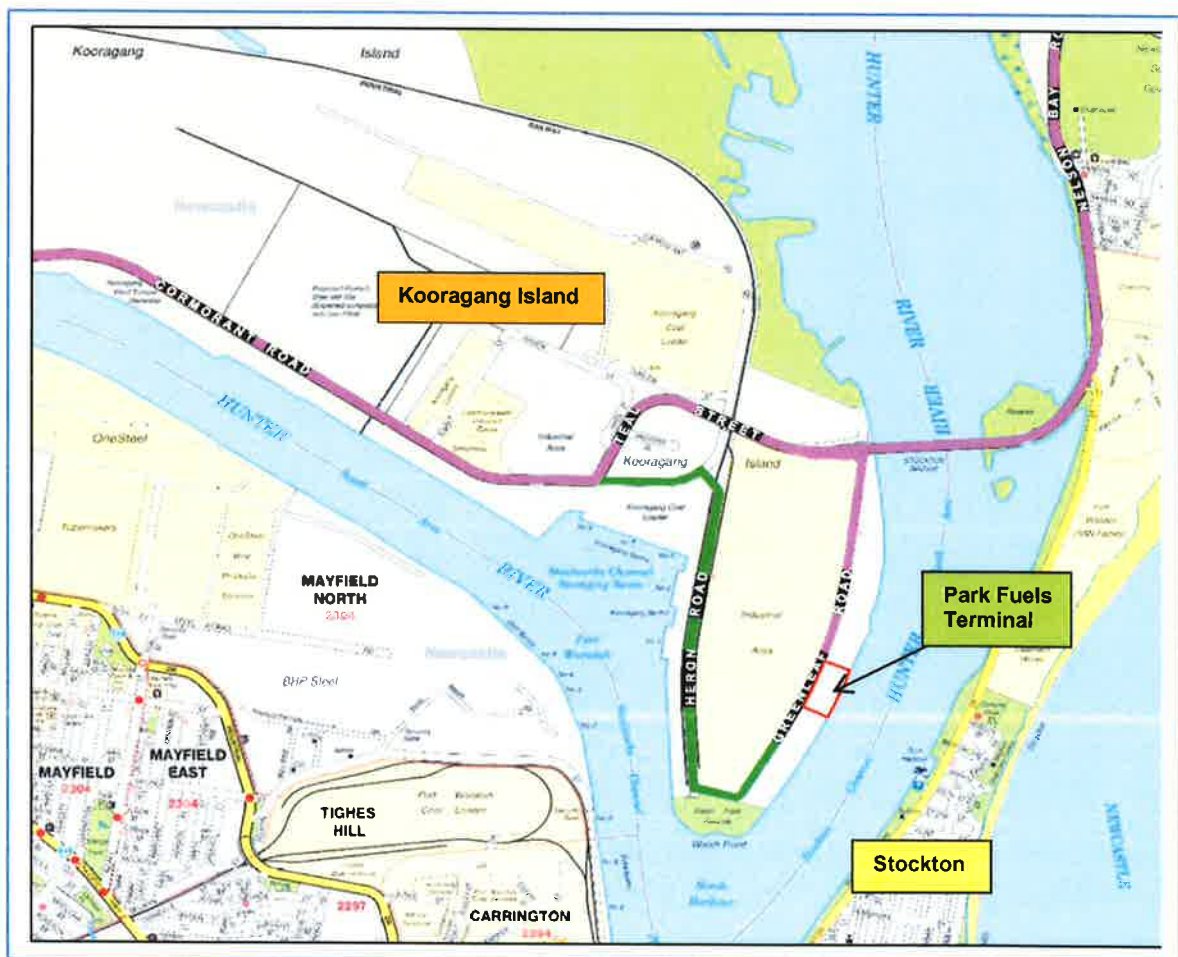


Figure 1: Site Location

Kooragang Island is approximately 20 kilometres (km) north-west of the Newcastle Central Business District on the Hunter River. It supports a wide range of major industrial developments. Neighbouring sites include Orica Australia Pty Ltd and Incitec Pivot Ltd which manufacture a range of chemicals primarily for mining and infrastructure purposes.

The closest residential suburbs to the site are Stockton (600 metres to the east), Fern Bay (over 1 km to the north) and Carrington (1.6 km to the south-west).

3. APPROVAL HISTORY

On 2 June 2008, the then Minister for Planning approved 07_0066 for the construction and operation of a marine fuel storage and distribution and biodiesel production facility at Greenleaf Road, on the southern end of Kooragang Island.

The Project Approval included the refurbishment of two existing steel tanks (T-1 and T-2) and the construction of three diesel storage tanks (T-3 to T-5), biodiesel storage tank (T-6) and a methanol storage tank (T-7) for the biodiesel manufacturing process on Site. Additionally, the approval included the construction of a fuel transfer pipeline linking berths K2 and K3 and Wallarah refuelling barge berth to the Site.

The Department of Planning and Environment (the Department) has previously approved three modifications to the Project Approval (07_0066) as detailed in **Table 1**. In September 2014, Secretary's Environmental Assessment Requirements (SEARs) were issued in relation to a further Modification (07_0066 MOD 3) for a change to the alignment of the distribution pipeline between the wharf and facility, but the application was subsequently withdrawn.

Table 1: Approved modifications for 07_0066

Modification	Approved	Details
07_0066 MOD 1	10 December 2014	construction and installation of an additional offtake pipeline connecting the site to the wharf (Berth K2.5)
07_0066 MOD 2	10 December 2014	modification to the design of three tanks at the terminal site by replacing the internal floating roofs with standard fixed roofs and revising the use of Tank T7 for the storage of biodiesel rather than methanol. The modification removed biodiesel manufacturing from the approval, therefore only allowing for the storage and handling of the end product
07_0066 MOD 3	N/A	withdrawn
07_0066 MOD 4	29 July 2016	modification to the approval by including additional land into the Project Approval area, the occupation and use of an office and workshop building as well as the replacement of the oily separator with tank T-8 and a new fuel storage tank T-13 to store diesel additive

The approved site layout is illustrated in Figure 2.

4. PROPOSED MODIFICATION

The Proponent has lodged a modification request under section 75W of the EP&A Act to modify the Project Approval (07_0066) to increase the facility's throughput from the current approved 577 Mlpa to 980 Mlpa. The modification is described in full in the EA included in **Appendix B** and is described in **Table 2**.

Table 2: Comparison of Approved and Proposed for Project Approval (07_0066)

Modification Request	Approved	Proposed	Difference
Fuel Throughput (Mlpa)	maximum volume of 577	maximum volume of 980	volume increase of 403
Ship movements	27 ship movements per annum	35 ship movements per annum	One ship movement to occur every 10.5 days, compared to one ship movement every 13.5 days
Truck movements	64 heavy vehicle movements per day	96 heavy vehicle movements per day	32 heavy vehicle movements per day
Tank design of T-3, T-4, T-5 and T-6	internal floating roofs	fixed or internal floating roofs	flexibility to either have fixed or internal roofs for T-3, T-4, T-5 and T-6

The Proponent has advised that since commencing operations in September 2015, there has been an ongoing increase in the demand for the supply and distribution of fuel in the Hunter region. It is their understanding that this demand has been driven by ongoing growth in the mining, infrastructure and construction sectors in the Newcastle region.

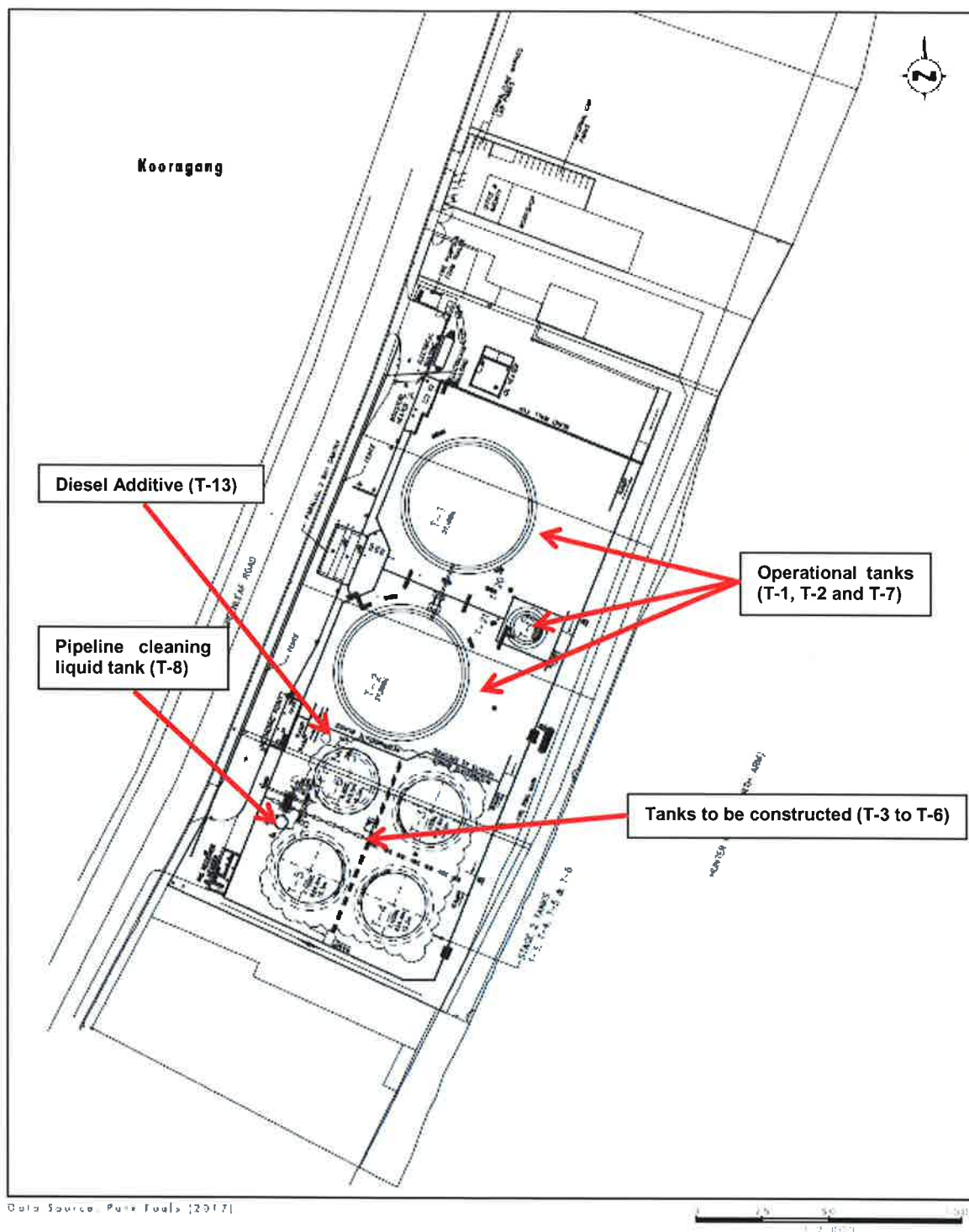


Figure 2: Site Figure with approved tank layout

The request to modify the Project Approval (07_0066 MOD 5) is based on the following evidence provided in the EA:

- the modification would utilise approved (but not yet constructed) tanks which would have been used for biodiesel manufacturing, therefore no additional infrastructure is required
- there would be no proposed change in the total static storage capacity of the Site

- Tanks T-3 to T-6 were originally designed with internal floating roofs to minimise the risk associated with the storage of flammable liquids for the manufacture of biodiesel at the Site. The Proponent intends to only store combustible liquids (diesel, marine fuel oil or biodiesel) in these tanks, which no longer warrants a floating roof tank design
- the environmental impacts associated with the proposed modification are consistent with, or less than, the existing approval of the Site.

5. STATUTORY CONTEXT

5.1 Approval Authority

The Minister for Planning is the approval authority for the request. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the request under delegation as:

- the relevant local council has not made an objection and
- a political disclosure statement has not been made and
- there are no public submissions in the nature of objections.

5.2 Section 75W

Under Schedule 2 of the *EP&A (Savings, Transitional and Other Provisions) Regulation 2017*, the power to modify transitional Part 3A projects under former section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply.

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 75W of the EP&A Act
- any potential environmental impacts would be appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of former section 75W of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the request should be assessed and determined under former section 75W of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification request. Upon receipt, the request was placed on the Department's website and following a review of the documentation, the Department did not consider that formal exhibition was necessary.

Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) lists "transport terminals, bulk stores, container depots or liquid fuel depots with a capacity of 8,000 m² with site access to any road", as works which require referral to NSW Roads and Maritime (RMS) under clause 104 of the Infrastructure SEPP. In accordance with clause 104 of Infrastructure SEPP, the modification request was forwarded to RMS for comment.

The Department also sought comments from:

- NSW Department of Primary Industries (DPI)
- NSW Environment Protection Authority (EPA)
- Newcastle City Council
- Port Authority of NSW
- Ports of Newcastle
- SafeWork NSW.

DPI advised as the proposed modification involves increased throughput only, with no physical works proposed, there are no matters relevant for DPI to assess.

The EPA advised it supports the modification request as the predicted emissions are within the existing limits placed on the Environment Protection Licence (EPL). However, the EPA has requested the Proponent provides either additional information and/or revises the assessment to address the following issues prior to determination of the modification:

- an emission estimation utilising meteorological data for the location

- an assessment of the proposed floating or fixed roof tanks against Section 63 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* (POEO Clean Air Regulation). Section 63 of the POEO Clean Air Regulation outlines the requirements for large storage tanks (including requirements for floating roofs).

RMS did not object to the modification as it is considered there will be no significant impact on the nearby classified (State) road network.

Newcastle City Council did not object to the modification and provided no specific comments that required addressing by the Proponent.

Port of Newcastle provided land owners consent for the land subject to the modification request.

Port Authority of NSW Newcastle Harbour Master advised the additional ship movements can be delivered safely within the Port's capacity and that marine safety will not be jeopardised as a consequence of the requested modification.

SafeWork NSW advised that they had no comments to provide on the modification request.

The Proponent provided a Response to Submissions (RTS) on 2 March 2018. The Department referred the RTS to the EPA, as the RTS provided the additional information the EPA had requested.

The **EPA** advised that its comments relating to the meteorological data for emission estimation and assessing the proposed modification against section 63 of the POEO Clean Air Regulation, had been appropriately addressed in the RTS. The **EPA** recommended a condition to ensure only combustible liquids with a true vapour pressure of less than or equal to 25.8 mm Hg (0.5 psia) are stored in the tanks.

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- EA and assessment report for the original application
- existing conditions of approval (as modified)
- the EA supporting the proposed modification (**Appendix B**)
- submissions from State government authorities and Council (**Appendix C**)
- the Proponent's response to issues raised in submissions
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- traffic (truck and ship movements)
- air quality
- flexibility in the design for Tanks T-3, T-4, T-5 and T-6.

The Department's assessment of other issues is provided in **Table 3**.

7.1 Traffic

To achieve a throughput of 980 Mlpa, the modification request proposes an increase of ship movements from 27 to 35 per year and the daily number of truck movements to and from the Site, from 64 to 96 movements per day over a 24-hour period.

7.1.1 Truck movements

To ensure the increased fuel throughput can be distributed to the end user efficiently, the number of truck movements from the Site will need to increase from 64 (i.e. 32 loads arriving and 32 loads departing) to 96 (i.e. 48 loads arriving and 48 loads departing) truck movements per day.

Light and heavy vehicles will access the Site via Greenleaf Road and vehicle traffic routes and the proportional distribution will remain unchanged from:

- 20% of truck and light vehicle movements to/from the north via Greenleaf Road, Heron Road, Cormorant Road, Teal Street and Nelson Bay Road, and

- 80% of truck and light vehicle movements to/from the west via Greenleaf Road, Teal Street (on/off ramps) and Cormorant Road.

A Traffic Impact Assessment was carried out by ARC Traffic and Transport in November 2017 in accordance with the RMS *Guide to Traffic Generating Developments 2002* and Austroads *Guide to Traffic Management Part 12*. The assessment included traffic counts and peak period intersection surveys to define the existing traffic conditions which were cross referenced with weighbridge data from the Site for the same period. In addition, a review of the RMS data for Tourle Street Bridge was undertaken.

SIDRA was used to model the current and projected (2027) traffic flows with and without the proposed modification. The findings of the SIDRA modelling were as follows:

- key intersections currently operate at a good level of service during morning and afternoon peak periods
- key intersections will continue to operate at a good level of service under the predicted traffic flows for 2027, even with the inclusion of the modification request
- by using a conservative approach, that is doubling the maximum truck loading capacity (based on a scenario of 24 trucks per hour), there is no indication of significant changes to the level of service. This scenario would only result in very minor increases in the average delays and queue lengths
- all intersections are expected to continue to operate with spare capacity during the morning and afternoon peak periods.

In its submission, RMS raised no objection to the proposed modification request as it was considered there will be no significant impact on the nearby road network.

The Department is of the view the additional truck movements to accommodate the increase in throughput is unlikely to place a significant strain on the existing local road network now and into the future and is therefore consistent with the existing Project Approval for the Site.

Accordingly, the Department has concluded the increase in daily truck movements associated with the modification request would have minimal impact and can therefore continue to be managed through the existing transport conditions of the Project Approval.

7.1.2 Ship movements

The modification request proposes to increase ship movements to Port of Newcastle from 27 per year to 35 per year. This equates to a ship movement once every 10.5 days compared to one ship movement every 13.5 days. The proposed modification will not involve changes to the berth receipt or distribution locations for ship deliveries or barge filling activities.

The Port of Newcastle works closely with the Port Authority of NSW (a state-owned corporation) who is responsible for navigation, security and operational safety needs of commercial shipping in the Port of Newcastle Area. The Port of Newcastle is responsible for the safe scheduling of commercial ship berths in the Port of Newcastle area.

The Proponent has undertaken consultation with the Port of Newcastle as part of the preparation of the EA for the modification request. Advice provided by the Port of Newcastle has confirmed that the additional ship movements associated with the modification request are permissible under the port operating plan, which has modelled the port capacity at approximately 10,000 ship movements per year. The Newcastle Port Corporation, which is responsible for the long-term lease of the Port of Newcastle, has also confirmed there is sufficient navigational capacity available for the additional ship berths and that marine safety would not be jeopardised as a result of the requested modification.

The Port Authority of NSW Newcastle Harbour Master provided confirmation that the additional ship movements can be navigated safely within the Port's capacity and that the requested modification will not jeopardise marine safety within the Port of Newcastle.

The Department considers the additional ship movements per year associated with the modification request are unlikely to pose a significant risk to the operational safety, navigation and security of the Port of Newcastle. In addition, the Port of Newcastle and the Port Authority of NSW have confirmed there are appropriate procedures in place and there is adequate capacity to manage the proposed ship movement increases.

Accordingly, the Department concludes the increased ship movements associated with the modification request are unlikely to put further strain or create unsafe conditions within the Port of Newcastle area which have not already been assessed as part of the original Project Approval.

7.2 Air quality

The proposed modification has the potential to generate fuel combustion emissions, particulate matter and some minor dust associated with the additional truck movements and ship movements required to support the throughput increase.

The existing Project Approval includes conditions and concentration limits for nitrogen oxides, total solid particles and carbon monoxide to manage air quality and emissions associated with the operation of the Site. The EPL (No. 12977) has specified assessable pollutant limits for benzene and VOCs which must not be exceeded.

The Air Quality Assessment carried out by Jacobs in November 2017 assessed potential emissions of benzene, ethylbenzene, cyclohexane, hexane, cumene, toluene and xylenes associated with the increased truck movements and ship deliveries. The assessment concluded the air quality risks associated with the increased truck and ship movements would be low, and can be managed through the existing operational air limits detailed in the Project Approval and EPL. The assessment considered no additional management and/or mitigation measures are necessary beyond those implemented at the Site under the existing Project Approval.

In its submission the EPA requested additional information regarding the meteorological data used for the emission estimation in the air assessment, which was provided in the RTS. On reviewing the RTS, the EPA advised their comments had been appropriately addressed.

The Department is of the view the air quality and odour impacts associated with the increased truck and ship movements would be of a minor nature and unlikely to exceed the existing air quality limits set in the Project Approval and EPL. In addition, the Department considers the overall operation of the Site including potential emissions associated with the handling of the higher volume of fuel, is consistent with the Project Approval.

The Department concludes the potential for the modification request to create adverse air quality impacts is minimal and can therefore continue to be appropriately managed through the implementation of the EPL and the existing conditions of approval.

7.3 Fixed vs floating tank roof design

The proposed modification is seeking to allow flexibility in the tank design between fixed and/or internal floating roofs for tanks T-3 to T-6, which are yet to be constructed. Under the original approval, tanks T-3 to T-6 were to be fitted with internal floating roofs to minimise the risks associated with the storage of flammable liquids, however the Proponent intends to only store combustible liquids (diesel, marine fuel oil or biodiesel) in these tanks.

The original approval in June 2008 included the refurbishment of two existing tanks (T-1 and T-2) and the construction of additional tanks (T-3 – T-7). Once constructed, all tanks were to be fitted with internal floating roofs to minimise the risks associated with the storage of flammable liquids and potential vapour emissions from the Site. In December 2014, approval was granted to modify the tank design of T-1, T-2 and T-7 to remove internal floating roofs. The approval was conditioned to only allow the storage of diesel, marine fuel oil or biodiesel in these tanks. In justifying the modification request, the supporting documentation considered typical industry practice for the storage of diesel, marine fuel oil or biodiesel is in tanks with open vents and fixed roofs without internal floating roofs and/or blankets.

In its submission, the EPA recommended the Proponent provide an assessment against section 63 of the POEO Clean Air Regulation, as the modification request seeks to amend the current approval for internal floating roofs. Section 63 of the POEO Clean Air Regulation outlines the requirements for large storage tanks including the storage of volatile organic liquids, roof designs and where equipment controls are required. Section 59 of the POEO Clean Air Regulation defines volatile organic liquids, as “*any organic compound that exists as a liquid at actual conditions of use or storage, unless it has a true vapour pressure of less than or equal to 25.8mm Hg (0.5 psia)*”.

In the RTS, it was confirmed that tanks T-3, T-4, T-5 and T-6 will be used for the storage of diesel, marine fuel oil or biodiesel only. Diesel, marine fuel oil or biodiesel have vapour pressures less than 25.8mm Hg (0.5 psia) and are not considered to be volatile organic liquids as defined under section 59 of the POEO Clean Air Regulation. Therefore, as no volatile organic liquids will be stored in these tanks, no equipment controls are required under section 63 of the POEO Clean Air Regulation. It was also noted in the RTS, that internal floating roofs are not mandated by any Australian Standard or American Petroleum Institute Standard for the storage of combustible fuels.

In response to the RTS, the EPA advised that its comments had been addressed, however recommended that a condition be included to ensure volatile organic liquids are not stored in any fixed roof tanks on-site in accordance with the POEO Clean Air Regulation. Further clarification was sort during the preparation of the conditions on whether updating the existing vapour pressure condition to include tanks T-3 to T-6 would address the EPA's recommended condition. The EPA requested the condition be updated to ensure only combustible liquids with a true vapour pressure of less than or equal to 25.8 mm Hg (0.5 psia) are stored in tanks T-1 to T-7.

The Department agrees with the EPA and has therefore recommended a condition that only combustible liquids with a true vapour pressure of less than or equal to 25.8 mm Hg (0.5 psia) should be stored in tanks T-1 to T-7. The Proponent has agreed to the recommended approach and the EPA advised of their satisfaction with the recommended condition. Should liquids proposed to be stored in the tanks T-1 to T-7 exceed this vapour pressure value, then further approval from the Department will be required.

The Department considers the original internal floating roof design for tanks T-3 to T-6 was associated with the storage of flammable goods for the manufacture of biodiesel at the Site. As flammable goods are not proposed to be stored at the Site and biodiesel manufacturing has been removed from the approval, the risks associated with storage and the need for floating roof tanks has reduced.

Accordingly, the Department concludes with the recommended condition, the flexibility to have either fixed or internal floating roofs on Tanks T-3, T-4, T-5 and T-6 is unlikely to increase the risk profile already assessed for the Site.

7.4 Other Issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3: Assessment of Other Issues

Issue	Assessment	Recommendation
Noise	<ul style="list-style-type: none"> The existing Project Approval includes conditions to manage noise impacts associated with the operation of the Site. The noise limits set in the approval align with the noise limits outlined in the POEO Act EPL (No. 12977). Assumptions and findings from the original noise assessment carried out by Heggies in 2008, have been used in the EA to justify not undertaking a noise assessment as part of this modification request. It is noted that one of the assumptions of the noise assessment carried out in 2008, was that there will be a maximum of 64 truck movements in and out of the Site each day. The conservative modelling applied also considered the impact of a maximum 12 trucks arriving, being loaded and departing the Site every hour. Therefore, the requested 96 movements per day would be well below this limit. A key finding of the 2008 noise assessment, was that of 32 noise sources identified with the operation of the facility, 25 were associated with the biodiesel plant and seven with the fuel distribution activities. The biodiesel plant is no longer part of the approved facility and was removed from the project as part of MOD 4. Using 2017 average daily traffic count for Nelson Bay Road (source: RMS website, cited 18 December 2017), it is estimated in the EA that the proposed increase in truck movements by 32 movements per day would increase the average daily traffic count by 0.1%. The original traffic assessment (prepared in the support of the Project Approval) predicted a 0.1% increase would equate to <0.1dBA increase in the existing daytime LAeq(15 hours). Given the proposed increase in truck movements per day along Nelson Bay Road is approximately 0.1%, it is assumed the increase 	No additional conditions required

Issue	Assessment	Recommendation
	<p>in daytime $L_{Aeq}(15 \text{ hours})$ would be consistent with the original application assessment.</p> <ul style="list-style-type: none"> The EA concluded that with the removal of the noise sources associated with the biodiesel plant, it is reasonable to expect that the noise impacts of the proposed modification would be consistent, if not below, the relevant noise limits set in the existing project approval. No government agencies raised any issues with the justification for not providing a new noise assessment with the modification request. The Department considers the operation of the Site and the activities associated with handling a higher volume of fuel (i.e. truck and ship movements), is unlikely to result in significant noise that would exceed the relevant noise limits detailed in the existing approval and the EPL. It is also considered that the proposed daily truck increase is unlikely to have significant noise impacts for Nelson Bay Road. Accordingly, the Department concludes the operational noise associated with the modification request can be managed by the existing noise limits of the Project Approval. 	
Hazard and risk	<ul style="list-style-type: none"> The modification request does not propose to change the approved configuration of the existing tank inventory at the Site. No combustible liquids other than Combustibility Class C1 are stored in tanks T-1 to T-7 and T-13 within the bunded area. Tanks T-1 to T-7 currently or propose to store diesel or marine fuel oil or biodiesel. While tank T-8 contains a mixture of Class C1 combustible liquids associated with pipeline cleaning and T-13 stores Ecoclean (Diesel Additive) which is classified as Combustibility Class 9 (III). Under State Environmental Planning Policy No.33 – Hazardous and Offensive Development (SEPP 33), a preliminary risk screening of the modification request was undertaken to determine whether there was a need for a Preliminary Hazard Analysis (PHA). The screening identified that the transport movements carrying Class 9 (III) will not exceed either the weekly or annual screening thresholds. While the remaining truck movements to and from the Site are associated with the distribution of diesel, biodiesel and marine fuel which are C1 combustible liquid classification, this class is not subject to transportation screening threshold criteria. Based on the results of the preliminary risk screening results there is no requirement to prepare a PHA or a route evaluation study for the modification request. The Emergency Plan and Safety Management System are recommended to be updated to reflect the changes associated with the modification request. Subject to the update of the Emergency Plan and Safety Management System, the Department concludes the proposed increase in throughput is unlikely to alter the hazard and/or risk factors which have already been assessed and established by the Project Approval. 	Recommend a condition that requires the Proponent to update the Emergency Plan and Safety Management System to reflect the changes associated with the modification request
Greenhouse Gases	<ul style="list-style-type: none"> A Greenhouse Gas and Energy Assessment was undertaken in accordance with the internationally recognised Greenhouse Gas Protocol (WBCD/WRI 2004) and the most recent Australian emission factors published in the National Greenhouse Account Factors (2017). Based on the findings of the assessment, the proposed modification is forecast to generate approximately 310 tonnes carbon dioxide equivalent (t_{CO_2-e}) of additional direct emissions per annum. Globally, greenhouse gas emissions are forecast to reach 56,200,000,000 t_{CO_2-e} per annum by 2025 (UNEP 2015). The modification request if approved will contribute approximately 0.000000055% to global emissions per annum. The Department considers the estimated contribution to be negligible and therefore concludes greenhouse gases contributions associated with the modification request can be managed through the existing air quality limits detailed in the Project Approval and EPL. 	No additional conditions required

Issue	Assessment	Recommendation
Administrative amendments	<ul style="list-style-type: none">• In reviewing the Project Approval as part of the modification request, the Department identified minor administrative errors relating to Condition 44 in MOD 4 and Condition 51 in MOD 2.• The Department has included conditions to correct these errors in the recommended instrument of modification.• As part of this modification request, the Proponent has requested references to the former biodiesel manufacturing phase be taken out of the Project Approval. Biodiesel manufacturing was removed from the Project Approval under MOD 2.• The Department agrees references to former biodiesel manufacturing within the Project Approval are now redundant, and has included conditions in the recommended instrument of modification to delete these references where applicable.• In addition, a condition is included in the recommended instrument of modification to change 'shall' to 'must'.	<ul style="list-style-type: none">• Re-number Condition 44 in MOD 4 and Condition 51 in MOD 2• Delete redundant references to the biodiesel manufacturing at the Site

8. CONCLUSION

The Department has assessed the modification request, EA, RTS and submissions in accordance with the requirements of the EP&A Act.

The modification request will be achieved by utilising the existing capacity of the facility and will not require the construction of any additional infrastructure not already approved. The total static storage capacity of the Site will remain the same and there is no requirement to change the operational controls and practices at the Site. Potential environmental impacts associated with the increase of truck and ship movements can be appropriately managed through conditions of the existing Project Approval.

The Department concludes the modification request to increase the throughput to 980 Mtpa and in doing so increase the number of ship movements per year and the daily number of truck movements per day, would not fundamentally change the existing Project Approval, change the risk profile for the Site or result in an increase in environmental impacts. The Department has also concluded, the flexibility in the tank roof design of T-3, T-4, T-5 and T-6 will not increase the risk profile of the Site.

Consequently, the Department is satisfied that the modification should be approved, subject to conditions.

9. RECOMMENDATION

It is recommended that the Director Industry Assessments, as delegate for the Minister for Planning:

- consider the findings and recommendations of this report
- determine that the request for the Park Fuels Facility at Kooragang Island (07_0066 MOD 5) falls within the scope of section 75W of the EP&A Act
- determine that the environmental assessment requirements have been addressed
- modify the approval Project Approval (07_0066 MOD 5)
- sign the attached modification of approval (**Attachment A**).

Recommended by:



Melissa Prochazka
Senior Project Officer

DECISION

The recommendation is:

Approved by:

 9/5/18

Sally Munk
Acting Director, Industry Assessments
as delegate of the Minister for Planning

APPENDIX A – INSTRUMENT OF MODIFICATION

APPENDIX B – ENVIRONMENTAL ASSESSMENT

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8476

APPENDIX C – SUBMISSIONS

Melissa Prochazka

From: Emma Fensom <EFensom@portauthoritynsw.com.au>
Sent: Wednesday, 9 May 2018 2:36 PM
To: Melissa Prochazka; Peter Dwyer
Cc: Sally Munk
Subject: RE: Park Fuels Facility at Kooragang Island (07_0066 MOD 5)

Dear Melissa,

I support the Harbour Master's correspondence on this matter.

Kind regards,

Emma

Emma Fensom | Chief Operating Officer - Newcastle & Yamba

Port Authority of New South Wales

100 Wharf Road | Newcastle NSW 2300 Australia

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From: Melissa Prochazka [mailto:Melissa.Prochazka@planning.nsw.gov.au]
Sent: Wednesday, 9 May 2018 2:10 PM
To: Peter Dwyer <PDwyer@portauthoritynsw.com.au>
Cc: Emma Fensom <EFensom@portauthoritynsw.com.au>; Sally Munk <Sally.Munk@planning.nsw.gov.au>
Subject: RE: Park Fuels Facility at Kooragang Island (07_0066 MOD 5)

Hi Peter,

Thank you for your prompt response. Once determined the Department will write to Port Authority of NSW.

Kind regards,

Melissa Prochazka

Senior Planning Officer (Part-time: Monday to Thursday)

Industry Assessments

Department of Planning & Environment

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From: Peter Dwyer [mailto:PDwyer@portauthoritynsw.com.au]
Sent: Wednesday, 9 May 2018 1:33 PM
To: Melissa Prochazka <Melissa.Prochazka@planning.nsw.gov.au>
Cc: Emma Fensom <EFensom@portauthoritynsw.com.au>
Subject: RE: Park Fuels Facility at Kooragang Island (07_0066 MOD 5)

Hi Melissa,

I confirm that your understanding is correct and the additional ship movements can be delivered safely within the Port's capacity, marine safety will not be jeopardised as a consequence of the requested modification to consent.

Regards,
Peter

Peter Dwyer | Harbour Master - Newcastle

Port Authority of New South Wales

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From: Melissa Prochazka [<mailto:Melissa.Prochazka@planning.nsw.gov.au>]

Sent: Wednesday, 9 May 2018 11:51 AM

To: Peter Dwyer <PDwyer@portauthoritiesnsw.com.au>

Cc: Emma Fensom <EFensom@portauthoritiesnsw.com.au>

Subject: Park Fuels Facility at Kooragang Island (07_0066 MOD 5)

Good morning Peter,

Just confirming our conversation yesterday, regarding the Park Fuels Bulk Facility Kooragang Island.

I understand that both Park Pty Ltd and the Port of Newcastle have discussed the proposed modification and the need to increase ship movements from 27 to 35 per annum. I also understand, the additional ship movements associated with the modification can be safely navigated by the Harbour Master within the Port of Newcastle, as discussed on Page 18 of the Environmental Assessment.

If you can please confirm if this is correct and advise whether you have any further comments on the proposed modification.

I look forward to your response.

Kind regards,

Melissa Prochazka

Senior Planning Officer (Part-time: Monday to Thursday)

Industry Assessments

Department of Planning & Environment

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From: Melissa Prochazka

Sent: Tuesday, 8 May 2018 9:21 AM

To: pdwyer@portauthoritiesnsw.com.au; efensom@portauthoritiesnsw.com.au

Cc: Joanna Bakopanos <Joanna.Bakopanos@planning.nsw.gov.au>

Subject: HPE CM: Park Fuels Facility at Kooragang Island (07_0066 MOD 5)

Dear Peter Dwyer and Emma Efensom,

The Department is in the process of assessing a modification request for the Park Fuels Facility at Kooragang Island (07_0066 MOD 5). The Department is seeking comment on the proposed modification request from your corporation.

Park Pty Ltd (the Proponent) is proposing to increase the throughput at the Park Fuels Facility at Kooragang Island from the current approved 577 Million litres per annum (Mlpa) to 980 Mlpa. To achieve a throughput of 980 Mlpa, the modification request proposes an increase of ship movements from 27 to 35 per year which would be equivalent to 1 ship movement to occur every 10.5 days, compared to 1 ship movement every 13.5 days (on average).

The Proponent has undertaken consultation with the Port of Newcastle as part of the preparation of the EA for the modification request. Advice provided by the Port of Newcastle has confirmed that the additional ship movements associated with the modification request are permissible under the port operating plan. The Newcastle Port has also confirmed there is sufficient navigational capacity available for the additional ship berths and that marine safety would not be jeopardised because of the requested modification.

Please find attached the Environmental Assessment for your information. The Department will formally write to your corporation once determined.

Kind regards,

Melissa Prochazka

Senior Planning Officer (Part-time: Monday to Thursday)
Industry Assessments
Department of Planning & Environment
Level 29 | 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001
T 02 8289 6695 E melissa.prochazka@planning.nsw.gov.au

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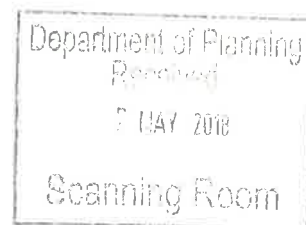
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E-MAILED
2.5.18

DOC18/20753-05



Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Melissa Prochazka
By email: Melissa.prochazka@planning.nsw.gov.au

2 May 2018

Dear Ms Prochazka

**PARK FUELS BULK LIQUID FACILITY KOORAGANG ISLAND
SECTION 75W MODIFICATION (07- 0066 MOD 5)
COMMENTS ON DRAFT INSTRUMENT OF APPROVAL**

I refer to your email to the Environment Protection Authority (EPA) dated 12 April 2018 inviting comment from the EPA on the draft s75 Instrument of Approval for the Park Fuels facility at Kooragang Island and, in particular the wording of conditions related to the storage of volatile liquids. I also refer to your email dated 26 April 2018 regarding further changes to the draft modification.

The current approval contains a condition that states:

50A. *The Proponent shall ensure that only combustible liquids with a vapour pressure of <2 Hg at 25°C and 101.3kPa are stored in Tanks T1, T2, and T7.*

This condition needs to be corrected to include the correct units of measure and reference conditions.

The draft approval sent to the EPA on 26 April 2018 contains the following draft conditions to replace condition 50A:

49. *Volatile Organic Liquids must not be stored in fixed roof tanks. For the purposes of this condition Volatile Organic Liquids is defined under the Protection of the Environment (Clean Air) Regulation 2010 (or as updated).*

50. *The Proponent must ensure that only combustible liquids with a vapour pressure of <2 Hg at 25°C and 101.3kPa are stored in Tanks T-1 to T-7.*

Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 (Clean Air Regulation) relates to fuel storage and states:

- **volatile organic liquid** means any organic compound that exists as a liquid at actual conditions of use or storage, unless it has a true vapour pressure of less than or equal to 25.8 mm Hg (0.5 psia).

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NSW 2302 Australia

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- **large storage tank** means a storage tank having a capacity of 150 kilolitres or more.
- **control equipment**, such as floating roofs, or vapour disposal/recovery systems, are required for all large storage tanks containing volatile organic liquids.

To ensure consistency with this Regulation, condition 50A should be replaced with the following condition:

Recommended Condition

- 50.** *The proponent must ensure that only combustible liquids with a true vapour pressure of less than or equal to 25.8 mm Hg (0.5 psia) are stored in Tanks T1, T2, T3, T4, T5, T6, and T7.*

With this change, draft condition 49 will not be necessary.

Environment Protection Licence Variation

The proponent currently holds Environment Protection Licence 12977 under the *Protection of the Environment Operations Act 1997* (POEO Act) for scheduled activities already being undertaken at the premises. Should DPE approve the proposal, the proponent will need to apply for and obtain a Licence Variation from the EPA prior to any increase in fuel throughput.

If you require any further information regarding this matter please contact me on 4908 6821 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely



MITCHELL BENNETT
Head Strategic Programs Unit – Hunter
Environment Protection Authority



DOC18/133922-02; EF13/4000

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Melissa Prochazka
By email: melissa.prochazka@planning.nsw.gov.au

Dear Ms Prochazka

**Park Fuels Bulk Liquids Facility, Kooragang Island (07_0066 MOD 5)
Response to Submissions**

I refer to your email to the Environment Protection Authority (EPA), dated 6 March 2018, seeking comments from the EPA in relation to the Response to Submissions (RTS) report for the Park Fuels Facility, Kooragang Island, application reference 07_0066 Modification 5.

The RTS addressed comments from the EPA dated 2 February 2018, which were provided in relation to the Environmental Impact Statement for the proposal. The EPA has reviewed the RTS reports provided, which is comprised of the following two sections:

- 'MP 07_0066 Modification 5 – Park Pty Ltd Response to Submissions', dated 2 March 2018 and prepared by Umwelt (Australia) Pty Limited; and
- 'Response to EPA Air quality clarifications', dated 16 February 2018 and prepared by Jacobs Group (Australia) Pty Limited.

Meteorological data for Emission Estimation

The RTS presents emission estimation utilising site specific meteorological data and advises that:

- a) differences in estimated working losses were determined to be less than 6 %; and
- b) that the application of site specific meteorological data has not resulted in 'significant' changes to the emission information considered in the initial assessment, and would not materially affect the outcomes of the impact assessment.

Based on the above information the EPA's submission comment has been adequately addressed.

Assessing the proposed modification against Section 63 of the Clean Air Regulation

The RTS notes that the proponent confirms that tanks T-3, T-4, T-5 and T-6 will be used to store diesel and/or biodiesel and that these are not a volatile organic liquid as per the Protection of the Environment Operations (Clean Air) Regulation 2010. This adequately addresses the EPA's comment in relation to the Clean Air Regulation.

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Recommended conditions of approval

1. Volatile Organic Liquids must not be stored in fixed roof tanks. For the purposes of this condition Volatile Organic Liquids is defined under the *Protection of the Environment (Clean Air) Regulation 2010* (or as updated).

If you have any questions about this matter, please contact me on (02) 4908 6819 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely



13/3/18

MICHAEL HOWAT
Regional Operations Officer
Environment Protection Authority



Our Ref: 4008_DPE_Prochazka_20180302a_itr

02 March 2018

Melissa Prochazka
Senior Planning Officer
GPO Box 39
SYDNEY NSW 2001

Email: Melissa.Prochazka@planning.nsw.gov.au

Dear Melissa

Re: MP 07_0066 Modification 5 – Park Pty Ltd Response to Submissions

The Section 75W modification to PA07_0066 (i.e. Modification 5) was submitted to the Department of Planning and Environment (DPE) on 11 January 2018. DPE sought comment from the relevant agencies. Submissions were received from:

- the Environment Protection Authority (EPA),
- Safework NSW
- NSW Department of Primary Industry (Lands and NSW Office of Water divisions)
- Roads and Maritime Services
- Newcastle City Council.

Only the EPA submission sought further advice in relation to the air quality assessment. The other agency submissions noted that they had no comment or no objection.

The following section addresses the comments made by the EPA. The EPA's comments are reproduced in **bold text** and the response presented below.

1.0 Environment Protection Agency

EPA recommend the proponent provide emission estimation utilising meteorological data for the site location. Where these emission estimates significantly differ from those associated, the assessment should be revised.

Response

The Bureau of Meteorology's Sydney Airport automatic weather station was used for emission estimation in TANKS, as it is the 'nearest major city' within the default Australian meteorological 'site selection' database.

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Newcastle

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Sydney NSW 2000

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Brisbane

Level 11
500 Queen Street
Brisbane QLD 4000

Ph. 1300 793 267

www.umwelt.com.au

To address the EPA's comment, Jacobs developed a site-specific meteorological dataset which combines data from the Bureau of Meteorology's Nobbys Head and Williamtown stations and Port Waratah Coal Services Kooragang Coal Terminal's weather station. Comparison of the emission estimate assessments (i.e. Sydney Airport weather station v's site-specific meteorological dataset) demonstrates that the difference is less than 5%. **Table 1.1** presents the emission estimate using the site-specific meteorological dataset. The application of site-specific meteorological data is not considered to have resulted in 'significant' changes to the emission information considered in the initial assessment, and would not materially affect the outcomes of the assessment.

Table 1.1 Estimated benzene and total VOC emissions assuming 980 ML/y throughput

Source	Benzene (kg/yr)	Total VOCs (kg/yr)
T1	108	1,443
T2	108	1,443
T3	28	375
T4	28	375
T5	28	375
T6	19	254
T7	2	24
T8	2	22
T13	2	524
TLA	45	615
Total estimated	368	5,450

Source: Jacobs Correspondence dated 16 February 2018

Further details of the emission estimate assessment and comparisons undertaken by Jacobs can be found in **Appendix A**.

We recommend the proponent should provide an assessment against Section 63 of the Regulation, to clarify the proposed modification to either floating or fixed roof tanks.

Response

Part 6 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* (the Regulation) specifies the requirements for the control of volatile organic liquids. Part 6, Division 1, Section 59 the Regulation defines a volatile organic liquid as 'any organic compound that exists as a liquid at actual conditions of use or storage, unless it has a true vapour pressure of less than or equal to 25.8mm Hg (0.5 psia)'.

Park confirms that tanks T-3, T-4, T-5 and T6 will be used to store diesel and/or biodiesel. Both diesel and/or biodiesel have vapour pressures less than 25.8mm Hg (0.5 psia) and are therefore not a volatile organic liquid, as defined by Section 59 of the Regulation. As such, Section 63 of the Regulation does not apply.

As these tanks have not been constructed and as the Regulation does not require the use of a floating roof arrangement, Park has sought the option of constructing these tanks with a fixed roof (i.e. the roof arrangement [fix or floating] will be determined by Park during the detailed design phase of constructing these tanks). Should the tanks be used for the storage of other than diesel or biodiesel, the requirements of Section 63 of the Regulation would need to be reconsidered.

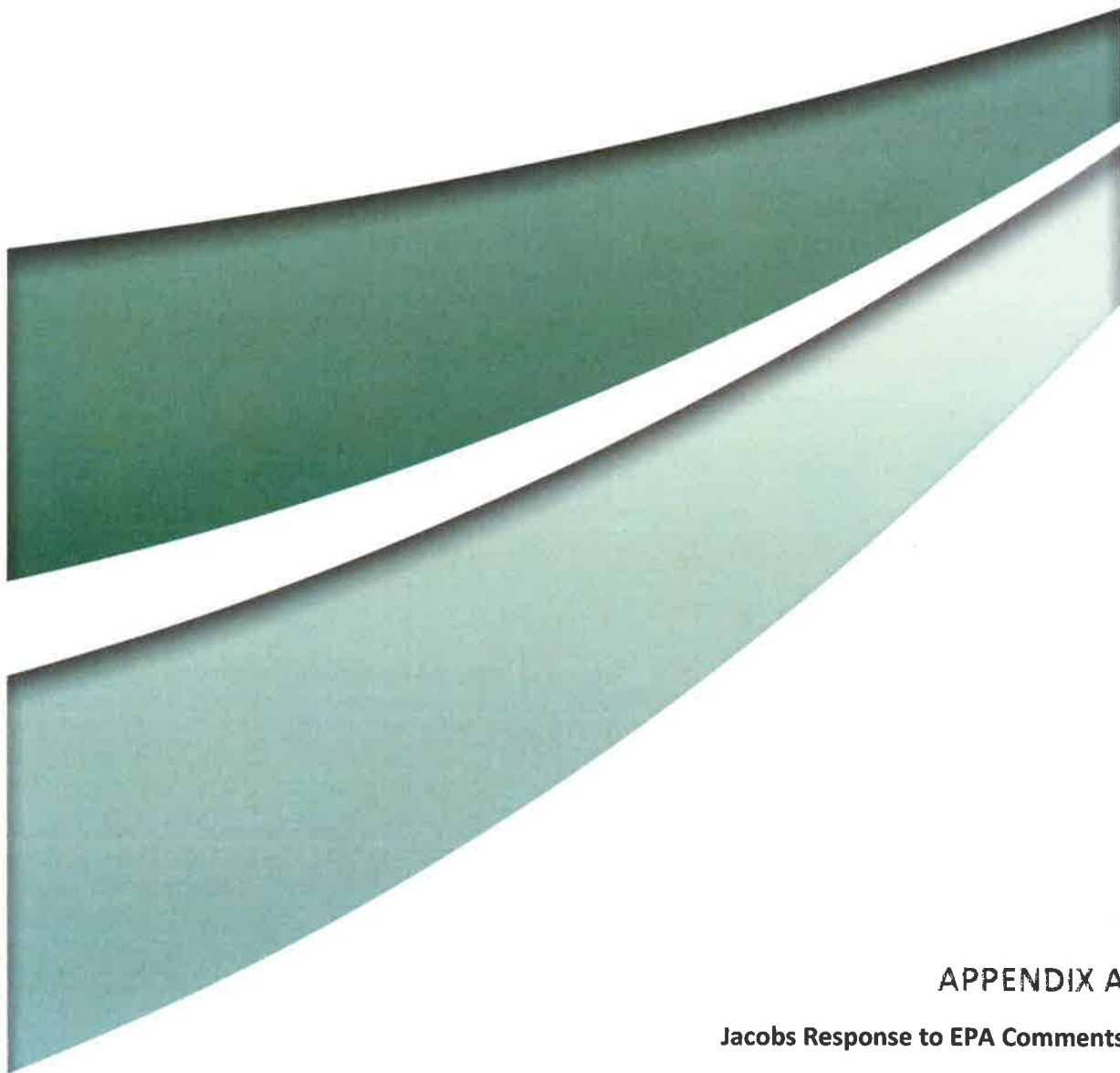
It is also noted that internal floating roofs are not mandated by any Australian Standard or American Petroleum Institute Standard for the Storage of combustible fuels.

The above responses are considered to adequately address the EPA's comments. Should DPE have any further questions regarding the proposed modification or the environmental assessment, please contact the undersigned on 02 4950 5322.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Rod Williams', with a long horizontal flourish extending to the right.

Rod Williams
Senior Environmental Scientist



APPENDIX A

Jacobs Response to EPA Comments



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Australia
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www.jacobs.com

February 16, 2018

Attention: Rod Williams
Umwelt Australia Pty Ltd
75 York Street
Teralba, NSW 2284

Project Name: Kooragang Island Bulk Liquid Fuel Storage/Distribution Facility
Project Number: IA162100.1

Subject: Response to EPA air quality clarifications

Dear Rod

This letter addresses the two clarifications raised by the NSW Environment Protection Authority (EPA) for the Section 75W modification (07-0066 MOD5) pending at Park Fuels Bulk Liquid Fuel Storage/Distribution Facility, Kooragang Island NSW; namely:

Clarification 1

'EPA recommend the proponent provide emission estimation utilizing meteorological data for the site location. Where these emission estimates significantly differ from those assessed, the assessment should be revised'.

Clarification 2

'EPA recommend the proponent should provide an assessment against Section 63 of the Regulation [Protection of the Environment Operations (Clean Air) Regulation 2010], to clarify the proposed modification to either floating or fixed roof tanks'.

Clarification 1

Long-term meteorological data from Bureau of Meteorology's automatic weather station at Sydney Airport was used for emission estimation in TANKS in the air quality impact assessment (AQIA) prepared to support the modification application. This was used as it was the 'nearest major city' within the default Australian meteorological 'site selection' database. To address the clarification, site-specific meteorological inputs were developed using the data identified below, and emissions were recalculated using these data.

February 16, 2018

Subject: Response to EPA air quality clarifications

Table 1 Data sources utilised to develop site-specific meteorological inputs for TANKS

TANKS site-specific meteorological input	Site-specific data used
Daily average ambient temperature	2012 to 2016 records from the PWCS KCT station
Annual average maximum temperature	Long-term records from BoM Nobbys Head (station no. 061055)
Annual average minimum temperature	Long-term records from BoM Nobbys Head (station no. 061055)
Average wind speed	2012 to 2016 records from the PWCS KCT station
Annual average solar insulation factor	Long-term records from BoM Nobbys Head (station no. 061055)
Atmospheric pressure	2013 to September 2016 records from BoM Williamtown (station no. 061078)

Results from this review are displayed below in **Table 2**. As shown, differences in estimated working losses (primary emission component over the 1-hour averaged time step for which the criteria from the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*, [NSW EPA, 2016] apply) were determined to be less than 6%. As such, it is considered that the application of site-specific meteorological data has not resulted in 'significant' changes to the emission information considered in the initial assessment, and would not materially affect the outcomes of the assessment.

Still, with reference to the TANKS emissions estimated using the site-specific meteorological data, it is recommended that the load-based limits in Environment Protection Licence (EPL) No. 12977 are updated based on these updated values which are displayed in kg/yr below in **Table 3**. In calculating the benzene and total VOC emissions of the modified Facility, a pro-rata throughput allocation has been applied for each tank based on each tanks gross capacity (excluding Tank T-13).

Table 2 Review of TANKS emissions

Tank(s)	Pollutant	Previously modelled TANKS emissions (lbs/yr)			Emissions using site-specific meteorological data (lbs/yr)			Difference (%)		
		Working losses	Standing losses	Total losses	Working losses	Standing losses	Total losses	Working losses	Standing losses	Total losses
T1, T2	Benzene	158	80	238	164	72	237	3.8	10.0	0.4
	Cumene	237	120	357	250	110	360	5.5	8.3	0.8
	Cyclohexane	54	28	82	57	25	81	5.6	10.7	1.2
	Ethyl benzene	56	28	84	59	26	85	5.4	7.1	1.2
	Hexane	85	43	129	89	39	128	4.7	9.3	0.8
	Toluene	152	77	228	158	70	228	3.9	9.1	0.0
	Xylene (-m)	73	37	111	77	34	111	5.5	8.1	0.0
	Xylene (-o)	58	29	87	61	27	88	5.2	6.9	1.1
	Total VOCs	2,112	1,068	3,180	2,207	973	3,181	4.5	8.9	0.0
	Benzene	41	21	62	43	19	62	4.9	9.5	0.0
T3, T4, T5	Total VOCs	551	276	827	576	251	827	4.5	9.1	0.0
	Benzene	28	14	42	29	13	42	3.6	7.1	0.0
T6	Total VOCs	373	186	559	390	169	559	4.6	9.1	0.0
	Benzene	2.6	1.4	4.1	2.7	1.3	4	3.8	7.1	2.4
T7	Total VOCs	35	19	54	37	18	54	5.7	5.3	0.0
	Benzene	1.8	1.7	3.5	1.9	1.6	3.5	5.6	5.9	0.0
T8	Total VOCs	25	23	48	26	22	48	4.0	4.3	0.0
	Benzene	1.5	2.7	4.2	1.5	2.5	4	0.0	7.4	4.8
T13	Total VOCs	423	786	1,209	434	722	1,156	2.6	8.1	4.4

Tank(s)	Pollutant	Previously modelled TANKS emissions (lbs/yr)			Emissions using site-specific meteorological data (lbs/yr)			Difference (%)		
		Working losses	Standing losses	Total losses	Working losses	Standing losses	Total losses	Working losses	Standing losses	Total losses
Truck Loadout Area	Benzene	94.4	0.4	94.8	97.8	0.4	98.2	3.6	0.0	3.6
	Cumene	150.6	0.7	151.3	157.9	0.7	158.6	4.8	0.0	4.8
	Cyclohexane	32.4	0.1	32.6	33.5	0.1	33.7	3.4	0.0	3.4
	Ethyl benzene	34.9	0.2	35.1	36.5	0.2	36.7	4.6	0.0	4.6
	Hexane	50.5	0.2	50.8	52.3	0.2	52.5	3.6	0.0	3.3
	Toluene	92.6	0.4	93	96.3	0.4	96.7	4.0	0.0	4.0
	Xylene (-m)	45.9	0.2	46.1	48	0.2	48.2	4.6	0.0	4.6
	Xylene (-o)	36.4	0.2	36.6	38.1	0.2	38.3	4.7	0.0	4.6
	Total VOCs	1,294.3	5.8	1,300	1,349	5.6	1,355	4.2	3.4	4.2

February 16, 2018

Subject: Response to EPA air quality clarifications

Table 3 Estimated benzene and total VOC emissions assuming 980 ML/y throughput

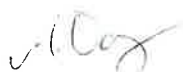
Source	Benzene (kg/yr)	Total VOCs (kg/yr)
T1	108	1,443
T2	108	1,443
T3	28	375
T4	28	375
T5	28	375
T6	19	254
T7	2	24
T8	2	22
T13	2	524
Truck Loadout Area	45	615
Total estimated	368	5450

Clarification 2

As T3, T4, T5 and T6 have not been constructed, the modification seeks the option of constructing these tanks with a fixed roof. It is understood from Park that tanks T3, T4, T5 and T6 would be used for the storage of diesel/biodiesel.

Part 6, Division 1 Section 59 the *Regulation [Protection of the Environment Operations (Clean Air) Regulation 2010]* defines a volatile organic liquid as 'any organic compound that exists as a liquid at actual conditions of use or storage, unless it has a true vapour pressure of less than or equal to 25.8mm Hg (0.5 psia)'. Diesel and biodiesel do not fit this definition, i.e. they have a vapour pressure less than 25.8mm Hg (0.5 psia) and are therefore are not defined as a volatile organic liquid. As such Section 63 does not apply to diesel storage tanks. Section 63 would need to be reconsidered should the nature of fuel products stored and transferred through these tanks change i.e. in the event they are used for the storage of volatile organic liquids.

Yours sincerely

**Matt Davies**

Senior Principal (Air Quality and Greenhouse Gases)

+61 2 4979 2616

Matt.Davies@jacobs.com

Melissa Prochazka

From: Geof Mansfield <GMANSFIELD@ncc.nsw.gov.au>
Sent: Wednesday, 7 February 2018 8:47 AM
To: Melissa Prochazka
Subject: RE: MP 07_0066 MOD 5 - Park Fuels Bulk Liquid Facility, Kooragang Island - Notification of modification

Hi Melissa,

I refer to our telephone conversation of yesterday regarding the above S75W application.

It is confirmed that the submitted Council officers have reviewed the application and supporting documentation and Council has no specific comments to offer.

Regards

Geof Mansfield | Principal Planner (Development)
Development and Building Services | Planning and Regulatory
Newcastle City Council
Phone: +61 2 4974 2767 | **Fax:** +61 2 4974 2701 | **Mobile:** 0407 286 899
Email: gmansfield@ncc.nsw.gov.au
Web: www.newcastle.nsw.gov.au
Our Corporate Values: Cooperation | Respect | Excellence | Wellbeing

From: Melissa Prochazka [mailto:Melissa.Prochazka@planning.nsw.gov.au]
Sent: Thursday, 18 January 2018 4:17 PM
To: Official Mail
Subject: MP 07_0066 MOD 5 - Park Fuels Bulk Liquid Facility, Kooragang Island - Notification of modification

Good afternoon,

Please find attached the proposed 75W modification to the Park Fuels Bulk Liquid Facility, Kooragang Island (MP 07_0066 MOD 5).

The modification application and associated documents are available on the Department's website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8476

Should you wish to make a submission, it should be made to the Department by close of business on **Friday 2 February 2018**.

If you have further questions, please contact Melissa Prochazka on (02) 8289 6695 or via email at melissa.prochazka@planning.nsw.gov.au

Kind regards,

Melissa Prochazka
Senior Planning Officer (Part-time: Monday, Wednesday & Thursday)
Industry Assessments
Department of Planning & Environment
Level 29 | 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001
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6 February 2018

Department of Planning & Environment
Industry Assessments
GPO Box 39
Sydney NSW 2001

Attention: Melissa Prochazka

CORMORANT ROAD (MR108): MP07/0066 MOD 5, SECTION 75W MODIFICATION TO PARK FUELS BULK LIQUID FACILITY, KOORAGANG ISLAND

Reference is made to the Department's letter dated 22 January 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the modification to be to increase the volume of fuel handled from 577 million litres per annum (Mlpa) to 980 Mlpa.

Roads and Maritime response & requirements

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, Roads and Maritime has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Macquarie Road (MR 527) is a classified (State) road and Brown Street is a local road. Roads and Maritime concurrence is required for connections to Macquarie Road with Council consent, under Section 138 of the Act. Council is the roads authority for these roads and all other public roads in the area.

Roads and Maritime has reviewed the information provided, and notes the following:

- There will be no change in the 24 hour operation of the site.
- The daily number of truck trips will increase from 64 to 96. This increase will be achieved without increasing the maximum truck loading rate of 12 trucks per hour.
- There will be no change to the transportation distribution routes.
- There will be no change to the percentage split for each route.
- There will be no change to the maximum number of staff.
- It is noted that the annual ship deliveries will increase from 27 to 35, which is above the approved limit. Maritime has been consulted and raise no objections to the proposed increase in shipping.

Roads and Maritime raise no objection to the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

Advice to the Department

Roads and Maritime recommends that the following matters should be considered in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- Roads and Maritime recommend consultation with the Port Authority of NSW.

On the Minister's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region



Department of Industry

OUT18/1108

Ms Melissa Prochazka
Industry Assessments
NSW Department of Planning and Environment

melissa.prochazka@planning.nsw.gov.au

Dear Ms Prochazka

**Park Fuels Bulk Liquid Facility, Kooragang Island (MP 07_0066 MOD 5)
Comment on the Environmental Assessment (EA)**

I refer to your email of 18 January 2018 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of Crown Lands & Water and Department of Primary Industries.

Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

As the proposed modification involves increased throughput only, with no physical works proposed, the department considers there are no matters relevant for Lands & Water or Department of Primary Industries to assess.

Yours sincerely

Alison Collaros
Principal Policy Officer, Planning Policy
2 February 2018



DOC18/30964-04; EF13/4000

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Melissa Prochazka
By email: melissa.prochazka@planning.nsw.gov.au

2 February 2018

Dear Ms Prochazka

**PARK FUELS BULK LIQUID FACILITY KOORAGANG ISLAND – SECTION 75W MODIFICATION
(07- 0066 MOD 5) – COMMENTS AND RECOMMENDED CONDITIONS**

I refer to your email to the Environment Protection Authority (EPA), dated 18 January 2018 inviting comments and any recommended conditions of consent regarding the proposed s75W Modification for the Park Fuels facility at Kooragang Island.

We understand that the modification application involves:

- Increase the maximum annual throughput from 577 million litres per annum to 980 million litres per annum;
- Increase the number of ship deliveries from 27 to 35 per year;
- Increase the number of truck movements from 64 to 96; and
- Modify the tank design for tanks T-3, T-4, T-5 and T-6 from the approved internal floating roof to either fixed or internal floating roof.

The EPA has reviewed the EIS and provides the following comments and recommendations:

Air Quality

The EPA has reviewed the Air Quality Assessment (Jacobs, 2017)¹ (the assessment) submitted for the development application. Jacobs (2017) assesses emissions of benzene, ethylbenzene, cyclohexane, hexane, cumene, toluene and xylenes for the proposed increase in capacity and assess predicted

¹ Jacobs, 2017 – *Proposed Modification to PA07-0066 – Fuel Storage/Distribution Facility at Kooragang Island Air Quality Assessment*, prepared by Jacobs dated 7 December 2017.

ground level concentrations against impact assessment criteria contained in the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW*. Emissions from bulk liquid fuel storage and distribution facilities occur through tank breathing (breathing or standing losses) and unloading/loading operations (working losses).

The assessment utilises US EPA TANKS to estimate emissions of volatile organic compounds. The dispersion model CALPUFF is utilised to predict ground level concentrations of volatile organic compounds for the proposal. The assessment:

- does not predict exceedances of the impact assessment criteria for toxic compounds (benzene, ethylbenzene, cyclohexane and hexane);
- does not predict exceedances of individual odorous compounds toluene and xylene; and
- predicts ground level concentrations of cumene (odorous compound) at the impact assessment criteria at the neighbouring industrial receptor.

EPA advises there is conservatism in the assessment as the dispersion modelling assumes:

- maximum hourly pumping rates for ship unloading and truck loading; and
- assuming ship unloading and truck loading activities occur continuously during each hour throughout the modelled year.

EPA advises that there are some issues that require additional information and/or assessment to confirm the assessment outcomes. It is recommended that prior to determination the proponent provide additional information and/or revised assessment to address the issues in **Attachment 1**.

Noise

EPA have reviewed the noise components of the modification application. We advise that EPA can support the modification application, based on there being no increase in the noise emissions on which the facility's EPL limits were based.

Should the development be modified either by the applicant prior to the granting of the consent or as a result of a condition proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before consent is granted. This will enable the EPA to determine whether a recommended condition of approval needs to be modified in light of the changes.

Environment Protection Licence Variation

The proponent currently holds Environment Protection Licence 12977 under the Protection of the Environment Operations Act 1997 (POEO Act) for scheduled activities already being undertaken at the premises. Should DPE approve the proposal, the proponent will need to apply for and obtain a Licence Variation from the EPA prior to any increase in fuel throughput.

If you require any further information regarding this matter please contact me on 4908 6821 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely

 2-2-18

BILL GEORGE
Senior Regional Operations Officer - Hunter
Environment Protection Authority

ATTACHMENT 1

Additional information and/or assessment required to confirm the assessment outcomes. Park Fuels Kooragang Island - Section 75W Modification (07- 0066 Mod 5)

Meteorological data for Emission Estimation

The EPA notes that Appendix A of Jacobs, 2017 provides the settings used for emission estimation utilising US EPA TANKS. Appendix A of Jacobs, 2017 states that Sydney Airport Meteorological data has been utilised for emission estimation.

EPA recommend the proponent provide emission estimation utilising meteorological data for the site location. Where these emission estimates significantly differ from those assessed, the assessment should be revised.

Assess the proposed modification against Section 63 of the Protection of the Environment Operations (Clean Air) Regulation 2010

Section 63 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* (the Regulation) outlines the requirements for large storage tanks (including requirements for floating roofs). As the proposal modification seeks to amend the current approval for internal floating roofs (for tanks T-3, T-4, T-5 and T-6) the proponent should assess the proposed modification against requirements outlined in Section 63 of the Regulation.

EPA recommend the proponent should provide an assessment against Section 63 of the Regulation, to clarify the proposed modification to either floating or fixed roof tanks.

Melissa Prochazka

From: Battye, Andrew <Andrew.Battye@safework.nsw.gov.au>
Sent: Monday, 22 January 2018 8:18 AM
To: Melissa Prochazka
Cc: Fernando, Sohan
Subject: RE: MP 07_0066 MOD 5 - Park Fuels Bulk Liquid Facility, Kooragang Island - Notification of modification

Security Classification: UNCLASSIFIED

Hi Melissa,

SafeWork NSW has reviewed the documents in the 'Notification of modification' and has NIL comments to make at this time.

Thank you

Regards

Andrew

Andrew Battye

A / Director

Hazardous Chemical Facilities & Safety Management Audits

SafeWork NSW

Better Regulation Division

p 02 8867 2740 | m 0434 602 586

e Andrew.battye@safework.nsw.gov.au | www.safework.nsw.gov.au

Level 4 , 2 Burbank Place, Baulkham Hills NSW 2153



From: Melissa Prochazka [mailto:Melissa.Prochazka@planning.nsw.gov.au]
Sent: Thursday, 18 January 2018 4:17 PM
To: Battye, Andrew
Cc: Fernando, Sohan
Subject: MP 07_0066 MOD 5 - Park Fuels Bulk Liquid Facility, Kooragang Island - Notification of modification

Good afternoon,

Please find attached the proposed 75W modification to the Park Fuels Bulk Liquid Facility, Kooragang Island (MP 07_0066 MOD 5).

The modification application and associated documents are available on the Department's website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8476

Should you wish to make a submission, it should be made to the Department by close of business on **Friday 2 February 2018**.

If you have further questions, please contact Melissa Prochazka on (02) 8289 6695 or via email at melissa.prochazka@planning.nsw.gov.au

Kind regards,

Melissa Prochazka

Senior Planning Officer (Part-time: Monday, Wednesday & Thursday)

Industry Assessments

Department of Planning & Environment

Level 29 | 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001

T 02 8289 6695 E melissa.prochazka@planning.nsw.gov.au

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