ASSESSMENT REPORT

STOLTHAVEN BULK LIQUID FUEL STORAGE FACILITY (SSD 6664 MOD 1) – THROUGHPUT INCREASE

Section 96(1A) Modification

1. BACKGROUND AND SITE

This report is an assessment of an application seeking consent to modify a State Significant Development approval (SSD 6664) for the increase in throughput of combustible fuels from 1,010 megalitres (ML) per year to 1,300ML per year at Stolthaven's existing fuel import, storage and dispatch facility at the former BHP Steelworks site at Mayfield.

Stolthaven's site is located on the western part of the former BHP Steelworks site within the Port of Newcastle (see **Figure 1**). This land has a long history of industrial use and was formerly used for copper smelting from 1866 to 1893, followed by iron and steelmaking by BHP between 1915 and 1999. Operations associated with the steelworks ceased in 1999.

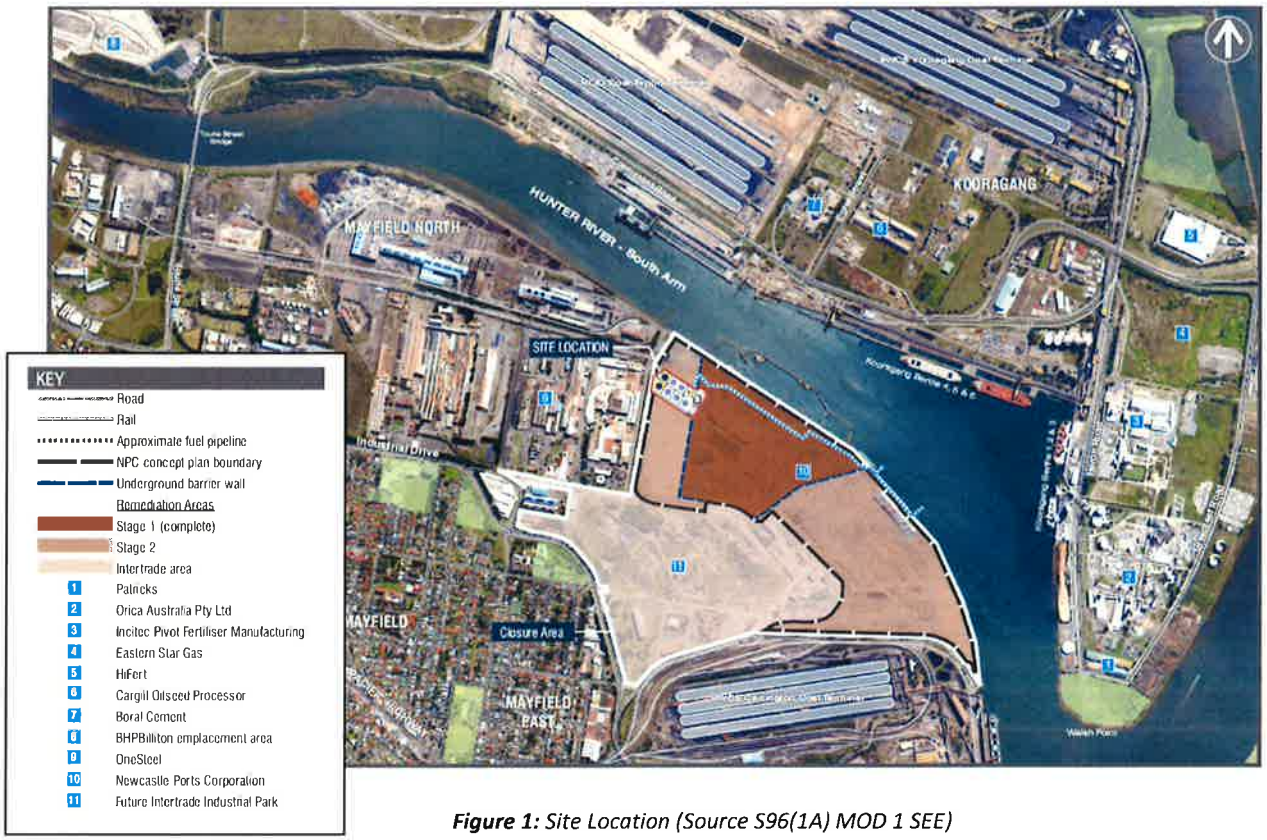

Figure 1: *Site Location (Source S96(1A) MOD 1 SEE)*

The site is located in an industrial area adjacent to the south arm of the Hunter River and the busy shipping port of Newcastle. Immediately to the north is the industrial area of Kooragang Island, which supports large-scale chemical manufacturing industries and coal loading terminals. Heavy industries are located immediately to the west of the site. To the south is a 150 hectare site called the Intertrade Industrial Park, which is proposed to be redeveloped for a mix of industrial and

commercial uses. The primary access road to the Stolthaven terminal is Ingall Street, which connects to Industrial Drive and ultimately to the regional road network.

The nearest residential area is located at Mayfield, with the closest receptors approximately 800 metres from the site boundary on Crebert Street in north-east Mayfield. Other residential areas in proximity to the facility include the suburbs of Carrington, Wickham and Tighes Hill.

2. APPROVAL HISTORY

2.1 Project Approval and State Significant Development Applications

The terminal was approved by the then Minister for Planning and Infrastructure on 8 June 2012 under the now repealed provisions of Part 3A of the *Environmental Planning & Assessment Act 1979* (EP&A Act) (MP 08_0130) and has been modified three times, as shown in **Table 1**. The original approval involved construction of three diesel storage tanks and one biodiesel storage tank, a pipeline from the Mayfield No.4 shipping berth to the terminal and a road tanker loading gantry to dispatch fuels to customers via road. The approved fuel throughput at the terminal was 300ML/yr. An Environment Protection Licence (EPL 20193) was issued by the Environment Protection Authority (EPA) for the terminal.

Subsequent modifications approved by delegates of the Minister have allowed increased throughput and an expansion of storage capacity on site. **Table 1** shows the progressive expansion of the Stolthaven terminal with each modification. The most recent expansion was considered and approved as a State Significant Development application under Part 4 of the EP&A Act, which transferred the Part 3A approval and consolidated the previous modifications into one development consent (SSD 6664).

***Table 1**: Expansion of Stolthaven Terminal*

Application	Throughput (ML/yr)	No. of Tanks	Description	Date Approved
08_0130	300	3 diesel and 1 biodiesel	Construction of pipeline from M4 berth to the terminal, road tanker gantry bay, office, amenities and workshop facilities.	8 June 2012
MOD 1	400 (+100)	5 diesel and 2 biodiesel	Increase throughput from 300 to 400ML/year. Removal of throughput limitation for different fuel types (diesel/biodiesel), construction of ancillary pipes and bunding. Increase in daily truck and annual ship movements.	26 July 2013
MOD 2	No change	No change	Minor change to the requirement for a human health risk assessment. No change to operations.	28 November 2013
MOD 3	500 (+100)	No change	Increase throughput from 400 to 500ML/year utilising existing infrastructure. Increase in truck and ship movements.	10 July 2014
SSD 6664	1,010 (+510)	7 diesel 2 biodiesel	Expand the existing bulk fuel storage terminal to enable increased throughput of diesel and biodiesel from 500ML to 1,010ML per year.	16 April 2015

Stolthaven is also preparing to lodge another SSD application (SSD 7065) for Stage 3 of the Mayfield Bulk Fuel Facility development, seeking approval to construct and operate additional fuel storage tanks for both flammable and combustible liquids on land adjoining the existing facility. The

Secretary's Environmental Assessment Requirements (SEARs) for this application were issued on 30 June 2015 and the Department is awaiting lodgement of the Environmental Impact Statement (EIS).

2.2 Mayfield Concept Plan

The Stolthaven terminal is located within the broader Mayfield Concept Plan area (Concept Plan), as shown on **Figure 2**. The Concept Plan covers 90 hectares of port-side land that is owned and managed by the Port of Newcastle (PoN). The land was previously the site of the BHP Steelworks and has been remediated since the closure of the steelworks in 1999.

On 16 July 2012, the then Minister for Planning and Infrastructure approved the Concept Plan (MP 09_0096) allowing the co-ordinated re-development of the site to provide a range of port related uses, including:

- the storage and dispatch of bulk liquids including fuels;
- a container terminal;
- handling and storage of cargo containers, heavy machinery, break bulk and roll on roll off cargo;
- handling and storage of non hazardous dry bulk products; and
- an operational area for the PON.

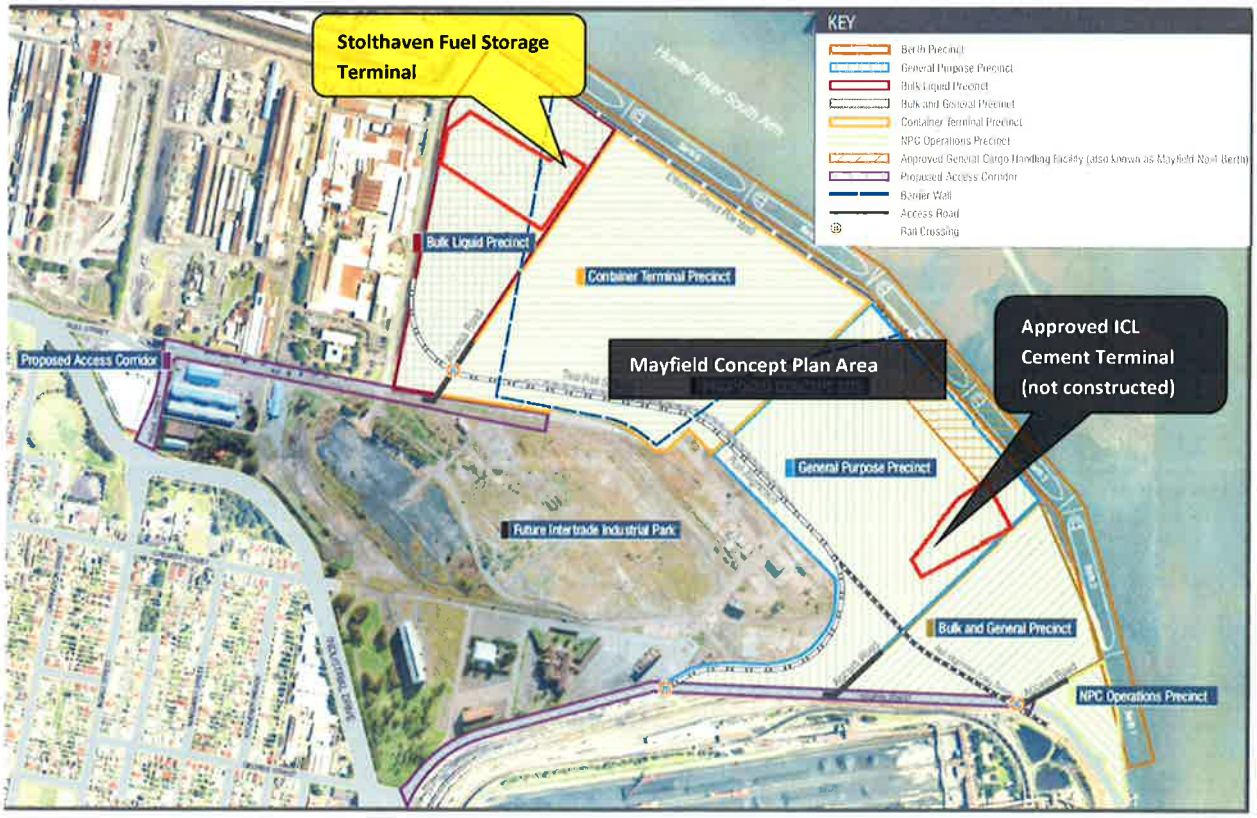

Figure 2: *Existing and approved development in the Mayfield Concept Plan Area*

The proposal by Stolthaven to increase throughput from 1,010 to 1,300 ML per year is required to be consistent with the approved framework and envelope of impacts for the Concept Plan. Any development within the Concept Plan area is required to undertake a cumulative impact assessment of air, noise and traffic impacts and be consistent with a Site Air Quality Model and Site Noise Model. The models are used by the Port of Newcastle to assess performance against the Concept Plan air quality and noise limits.

3. COMPLIANCE

Stolthaven has been issued Penalty Infringements Notices by the Department and the EPA for non-compliances in relation to exceedances of throughput and exceedance of load limits for volatile

organic compounds (VOCs) and benzene. The Department will continue to monitor compliance with the consent conditions.

4. PROPOSED MODIFICATION

On 21 August 2015, Stolthaven lodged a modification application (SSD 6664 MOD 1) seeking consent to increase the throughput capacity of its Bulk Liquid Fuel Storage Facility from 1,010ML to 1,300 ML per year. This represents an annual increase of 290ML or 29%. The additional throughput will necessitate an increase in both truck and ship movements to and from the facility as well as an increase in fuel management (pumping). The increase is possible without the need for any additional infrastructure (e.g. tanks, pipelines) or other construction ground-breaking works at the site.

A comparison of the approved operations and infrastructure at Stolthaven and the proposed modification is summarised in **Table 2.**

***Table 2**: Approved and Proposed Project Components*

Application	Throughput (ML/yr)	No. of Tanks	Truck Movements (daily)	Ships (per annum)
SSD 6664	1,010	7 diesel 2 biodiesel	200	52
MOD 1	1,300 (an increase of 290)	No change	300 (an increase of 100)	57 (an increase of 5)

Stolthaven considers the modification necessary as it has identified an increasing demand for locally available diesel and biodiesel fuels to service the growing mining industry in the Hunter Valley and reduce the need to meet this demand from fuel suppliers in Sydney. Additionally, Stolthaven considers that the increased demand for biofuels as a result of concern and regulation regarding climate change has created a need for increased logistical capacity in the biofuels sector.

5. STATUTORY CONSIDERATION

5.1 Modification of consent

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters (outlined in **Table 3**) are addressed in respect of all applications that seek modification approval:

***Table 3:** Matters for consideration*

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	**Section 8** of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modification will have minimal environmental impact.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for an increase in throughput of fuels already approved for storage and dispatch at the site. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in **Section 7** of this report.
Any submission made concerning the proposed	The Department received six submissions, including four from

modification has been considered.	government agencies, one from the Port of Newcastle and one from a community group. The community submission raised an objection to the proposal, which has been addressed in **Section 7** of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- SEPP (Three Ports) 2013;
- SEPP (State and Regional Development) 2011;
- SEPP (Infrastructure) 2007;
- SEPP No. 33 – Hazardous and Offensive Development;
- SEPP No. 55 – Remediation of Land; and
- Newcastle Local Environmental Plan 2012.

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Consent Authority

The Minister for Planning is the consent authority for the application. However, the Executive Director, Infrastructure and Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000.* The modification application was made publicly available on the Department's website and referred to Newcastle City Council (Council), Environment Protection Authority (EPA), Roads and Maritime Services (RMS), Port of Newcastle (PoN) and the Hunter Development Corporation (HDC). Two local community groups, Correct Planning and Consultation for Mayfield Group (CPCMG) and the Tighes Hill Community Group (THCG) were also notified about the application. Due to the minor nature of the proposal, the modification application was not exhibited by any other means.

6.1 Public Authority Submissions

The **EPA** raised no objection to the proposed modification subject to the imposition of conditions.

The **RMS, HDC and Council** raised no objection to the proposed modifications.

6.2 Public Submissions

CPCMG objected to the proposed modification. The main issues of concern are

- cumulative impacts of the development on the community;
- the relationship of the modification application to requirements under the Mayfield Concept Plan; and
- inconsistent presentation of results between applications makes interpretation of results difficult.

The **Port of Newcastle** raised no objection to the proposed modifications but noted the following:

- benzene modelling results are at 85.3% of the EPA air quality criteria threshold;

- predicted exceedances of noise in the night time as a result of the modification;
- a requirement for updates of management plans and the Preventative Maintenance Program with copies to go to PoN; and
- one additional condition regarding a requirement for a Hazard Audit be included to ensure consistency between the SSD approval and the concept plan.

No other public submissions were received.

7. ASSESSMENT

In its assessment of the merits of the proposed modification, the Department considered:

- the Statement of Environmental Effects (SEE) for the proposed modification;
- submissions from the public, stakeholders and government agencies;
- relevant EPIs, policies and guidelines;
- relevant provisions of the EP&A Act, including the Objects of the Act; and
- Secretary's Assessment Report and Conditions of Consent for the original SSD application for the facility (SSD 6664).

The Department considers the key issues associated with the proposal to be air quality and noise. These issues are considered in detail below. All other issues are discussed in **Table 7** in **Section 7.3**.

7.1 Air Quality

An Air Quality Impact Assessment (AQIA) was undertaken by AECOM Australia Pty Ltd, prepared in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* ('Approved Methods') and the Mayfield Concept Plan *Site Air Quality Model.* The main potential sources of air emissions associated with the modification are vapour emissions (volatile organic compounds, or VOCs) from the storage and transfer of fuels.

Modification Impacts

Vapour emissions associated with diesel and biodiesel storage from operation of the facility were estimated through dispersion modelling using the CALPUFF model. Dispersion modelling was undertaken for two scenarios – (i) typical operations (12 tankers being filled at the facility per hour with a combustible to flammable residual fuel split in these tankers of 60:40) and (ii) maximum (worst case) operations (16 tankers being filled at the facility per hour all containing residual flammable fuel) for truck filling gantry emissions. The facility was assumed to be operational 24 hours a day, 7 days a week. It should be noted that the residual combustible or flammable fuel in the tankers is the fuel type that was previously carried by the road tanker prior to entering the Stolthaven facility.

The emissions inventory for the analysis was prepared using site-specific measured data for storage tank liquid composition and gantry vapour composition for all pollutants of concern, rather than default composition values in the National Pollutant Inventory. Therefore, the emissions inventory is considered to be a suitable representation of emissions at the facility.

The VOCs predicted to be generated at the site were modelled at the site boundary and surrounding receiver locations and the results were compared against the relevant EPA impact assessment criteria specified in the EPA's Approved Methods document. The results of the modelling assessment predicted that all assessed VOC concentrations were lower than the EPA assessment criteria at both the site boundary and sensitive receivers.

The EPA and PoN noted that the predicted benzene impact for the maximum (worst case) emission scenario for the gantry is 24.73ug/m^3 at the site boundary, which is approximately 85% of the EPA's ground level assessment criterion of 29ug/m^3. Therefore, should there be any future increase in throughput of fuel products at the facility, the EPA has advised that it will require a vapour recovery unit to be installed to mitigate the emission of VOCs and benzene to the atmosphere. The reduction

of gantry emissions is anticipated to be in the order of 95% of the total emissions. The Applicant has advised that it has already accounted for the inclusion of a vapour recovery unit in modelling being undertaken for the Stage 3 application (SSD 7065). The Department's assessment concludes that no additional conditions are required on the modification in this regard.

The CPCMG raised concern about the presentation of air quality modelling results, noting that the predicted dispersion of VOCs for the original consent was greater than the predicted dispersion as a result of the modification. The Applicant has advised that the emissions inventory for the original application was based on the National Pollutant Inventory whereas the emissions inventory for the modification were based on actual site sampling to determine the actual chemical composition of fuels and vapours at the facility. Therefore, the original assessment was highly conservative compared to the modification assessment, which is more representative of actual site emissions. The Department and EPA support this position.

Emissions from the facility would comply with the NSW EPA guideline criterion at all sensitive receptor and boundary locations assessed for both the typical and worst case scenarios. The Department's assessment concludes that the potential air quality impacts associated with the proposed modification considered cumulatively with the existing operations at the facility would be below the relevant impact assessment criteria and the VOC emissions would not adversely impact sensitive receivers. The potential air quality impacts can be effectively managed through the existing conditions of consent which require the Applicant to ensure that the facility complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the amended Environment Protection Licence for the site.

Relationship to Concept Plan

Term 2.11 of the approved Concept Plan (as modified) specifies a set of overall site pollutant performance criteria for the Concept Plan. Projects associated with the Concept Plan must be designed, constructed and operated with the objective of meeting these criteria. The criteria is less stringent than the criteria set out in the EPA's Approved Methods document. Of particular note is the modelled predicted emissions of benzene as a result of the modification in comparison to the Concept Plan criteria as demonstrated in **Table 4** below.

Table 4: *Benzene Pollutant Performance Criteria*

	Averaging period	Concentration		Criteria (Source)
		ppm	mg/m^3	
Benzene	1 hour	0.04*	0.19*	Concept Plan (VIC EPA 2001)
	1 hour	0.009	0.029	Modification (NSW EPA Approved Methods 2005)

**extracted from Table 11-6 of the Mayfield Concept Plan EIS in accordance with term 2.11 of the Concept Plan*

It is noted that the Concept Plan criteria are less stringent than the EPA ground level assessment criteria against which the modification has been assessed. The predicted impact of $24.73ug/m^3$ (equivalent to $0.024mg/m^3$) is therefore significantly lower than the Concept Plan criteria ($0.19mg/m^3$).

Term 2.12 of the Concept Plan also requires PoN to develop and maintain a Site Air Quality Model to facilitate the assessment of air quality impacts of projects and to report on compliance with the site pollutant performance criteria (as set out in term 2.11 of the Concept Plan). The Model has been completed and an Air Quality Monitoring Program has commenced. Data from the Program will be progressively incorporated into the Model to allow air quality emissions to be managed for the site as a whole. The Site Air Quality Model allows predicted emissions, such as benzene, from each proposed facility in the Concept area to be modelled together, and therefore considers the cumulative impacts of the progressive development of the site, allowing mitigation to be applied accordingly.

The Department's assessment concludes that the predicted emissions from the proposed modifications to the facility will comply with both the relevant EPA criteria and the Concept Plan site pollutant performance criteria.

7.2 Noise

A noise and vibration impact assessment (NVIA) was carried out by AECOM Australia Pty Ltd for the proposed modification. The NVIA considered the noise impacts of the approved facility, the relevant Amenity Noise Goals contained within the Mayfield Concept Plan and the acceptability of the noise impacts associated with the proposed modification. Noise criteria were developed in accordance with the Industrial Noise Policy. Locations of sensitive receivers are shown in **Figure 3** below. The NVIA considered noise impacts from the operations of the facility, road traffic noise and shipping noise.

7.2.1 Operations

Modification

The NVIA modelling included reasonable worst case amenity and reasonable worst case intrusive scenarios (impact over a 15 minute period) for day, evening and night time operations at the facility. The NVIA found that the proposed increase in annual throughput capacity would result in a minor increase in operational noise and vibration impacts, however, compliance at all assessment receiver locations was demonstrated. Similarly, the night time sleep disturbance assessment demonstrated compliance with sleep disturbance screening criterion of 51 dB(A) at all sensitive receivers during night time operations of the facility.

Cumulative Impacts

The Applicant also undertook an assessment of cumulative noise impacts associated with the modification and other approved nearby port and industrial operations. The analysis predicted that the maximum increase in noise as a result of the modification is 1dB(A) at some residential receiver locations in the north east of Mayfield, adjacent to Industrial Drive (R4, R5, R6, R10 and R11) under worst case meteorological conditions (refer **Figure 3**).

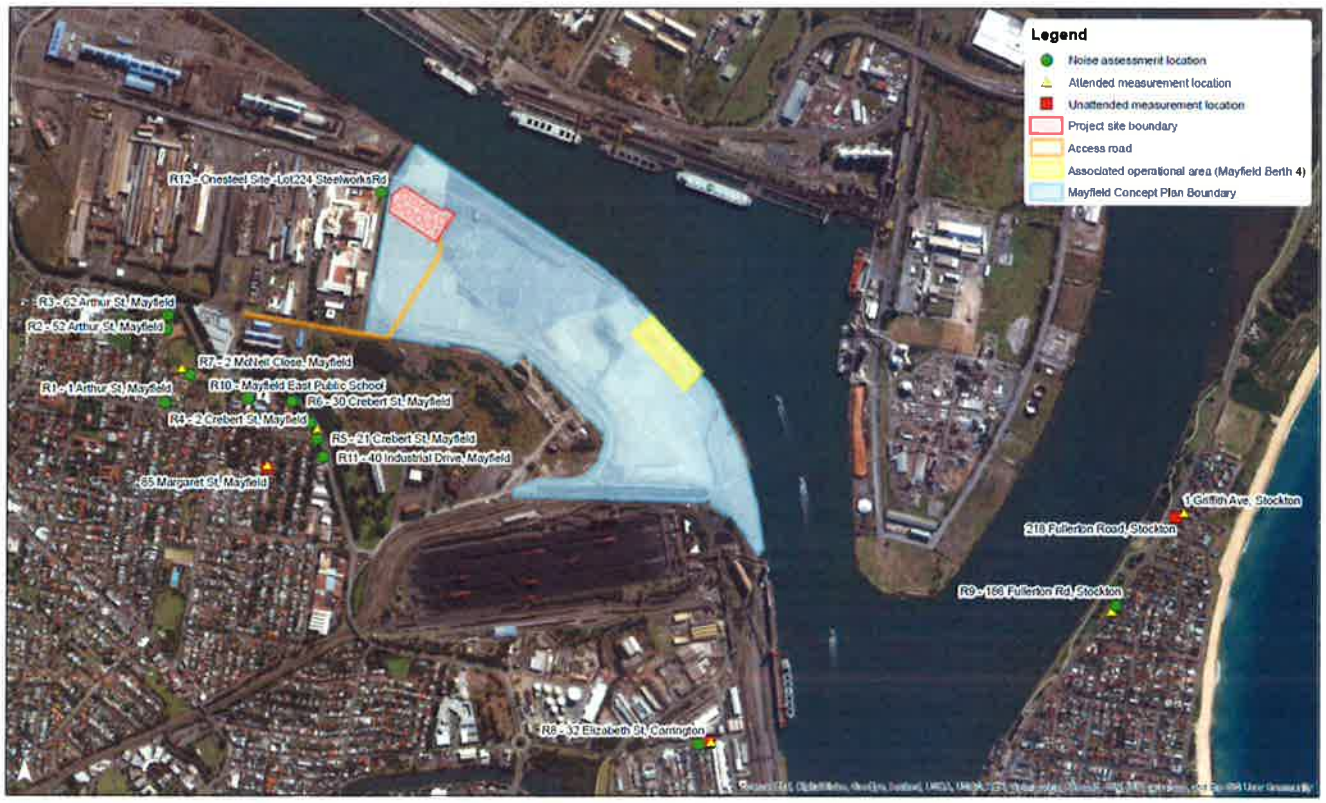

Figure 3: *Noise Sensitive Receiver Locations*

The Applicant considers that the increases can be considered worst case and conservative and states that a 1 dB(A) increase can be considered negligible noting that 3 dB(A) is typically a "just-noticeable" change in noise level, and as such this increase would not result in any noticeable increase in noise level at nearby receiver locations and no exceedance of noise limits or EPA noise

criteria for the site (as discussed above).

As the site is located within the Mayfield Concept Plan area, it is required to comply with the terms of approval for the Concept Plan. Terms of approval 2.16 to 2.20 address operational noise requirements and include the requirement for the development of a Site Noise Model and compliance with a set of amenity noise goals at sensitive residential receivers. **Table 5** provides a comparison between the predicted noise impacts as a result of the modification against the Concept Plan amenity noise goals at nearby sensitive receivers.

Table 5: *Comparison of Noise Impacts against Concept Plan Noise Goals*

Location	Concept Plan Noise Goals ($L_{Aeq\ period}$ (dBA))			Predicted Noise Impact from Modification ($L_{Aeq\ period}$ (dBA))			Complies (Yes/No)
	Day	Evening	Night	Day	Evening	Night	
A – 1 Arthur St, Mayfield (Urban)	60	49	43	33	34	30	Yes
B – 2 Crebert Street, Mayfield (Urban)	60	50	43	42	42	39	Yes
C – 32 Elizabeth Street, Carrington (Urban)	57	44	45	24	26	22	Yes
D – Stockton (Suburban)	55	37	37	23	25	21	Yes

Term of approval 2.19 requires input from individual projects into the Site Noise Model to allow the PoN to assess the cumulative impact of all sites that make up the Concept Plan area against the Concept Plan noise goals. Presently, the PoN Site Noise model has now been completed and a Noise Verification Monitoring Program is under development. No specific noise quotas have been given to the Applicant for the facility. However, as required, the predicted noise levels as a result of the modification have been provided for PoN to include into the Site Noise Model.

The NVIA recommends that noise emissions and mitigation measures be reviewed as part of the Stage 3 SSD (SSD 7065) Environmental Impact Assessment once the PoN has determined the applicable noise quotas for individual sites. The PoN will then be able to review the noise levels from the operations of the facility and assess compliance with the allocated noise limits for the site.

The Department's assessment concludes that the predicted noise impacts of the modification, being a worst case 1 dB increase at some residential receivers and below the noticeable threshold, are acceptable. Further assessment of the cumulative noise impacts will be considered as part of the future Stage 3 SSD application (SSD 7065) following completion of the Noise Verification Monitoring Program and any further refinement of the Site Noise Model. The Secretary's Environmental Assessment Requirements (SEARS) issued for SSD 7065 require the Applicant to include a quantitative noise assessment from construction, operational and transport noise and vibration impacts to surrounding receivers from on site and off site activities in accordance with relevant EPA guidelines and the Mayfield Concept Plan Noise Model.

The PoN raised concern regarding an exceedance of noise criteria at night time, as reported in the main Statement of Environmental Effects (SEE) supporting the modification application. However, the Applicant has confirmed that this was an error in the reporting in the main SEE document, and that no exceedances were found during the assessment. The noise technical report appended to the main SEE document confirms that this is the case.

Conditions no.19 to 27 of the existing development consent require consistency with the Site Noise Model, no exceedance of any noise quota provided by the PoN, implementation of best practice noise and vibration management, a noise management plan and noise monitoring. The Department's assessment concludes that the existing conditions of consent would ensure that noise from the project, as modified, would not adversely impact on nearby receivers and that cumulative

noise impacts will be assessed as part of SSD 7065 following further development of the Site Noise Model.

7.2.2 Shipping Noise

Ships operating in association with the bulk fuel facility are docked at Mayfield Berth No.4. Fuel is pumped via a pipeline into storage tanks at the facility. An additional 5 ships per annum are predicted as a result of the modification. This represents a share of approximately 2.6 per cent of the volume of ships currently accessing the port and 10.1% of the ships permitted within the Concept Plan. The predicted operational noise levels from ships when at berth were estimated by the Applicant for neutral and worst case meteorological conditions at all sensitive receivers for day, evening and night time periods and compared to the relevant intrusive and amenity criteria.

The results indicate that the predicted noise levels from the additional shipping activity will comply with all relevant criteria under neutral and prevailing meteorological conditions at all assessment locations during all assessment periods. The Department's assessment concludes that the noise impacts from additional ship movements as a result of the modification are minor and acceptable.

7.2.3 Road Traffic Noise

The assessment of road traffic noise was undertaken in accordance with the EPA's *NSW Road Noise Policy (2011)* (RNP). The applicable road traffic noise criteria were taken from the RNP and existing road traffic noise levels were measured on Industrial Drive, Mayfield (the main access road to the site). **Table 6** presents a comparison of the RNP noise criteria, measured road traffic noise levels and the predicted traffic noise levels.

Table 6: *Comparison of Road Traffic Noise Impacts*

	Parameter	Criteria (dB(A))	Measured (free field) (dB(A))	Measured (façade reflected) (dB(A))	Modification Predicted Noise Level (dB(A)) (façade reflected)
Day (7am – 10pm)	$L_{Aeq,\ (15\ hour)}$	60	68	70	70.03 *
	$L_{Aeq,\ worst\ (1\ hour)}$	-	70	72	-
Night (10pm – 7am)	$L_{Aeq,\ (9\ hour)}$	55	64	66	66.06*
	$L_{Aeq,\ worst\ (1\ hour)}$	-	69	71	

* the RNP only requires reporting to one decimal place. The results have been presented to two decimal places to demonstrate the minor increase in road traffic noise levels.

It is noted that the measured road traffic noise levels already exceed the RNP noise criteria. The RNP states that where this is the case, any increase in the total traffic noise level should be limited to 2 dB above that of the corresponding 'no build' option. Based on the estimated worst case daily vehicle movements as a result of the modification the NVIA predicts an increase of less than 1 dB(A) in road traffic noise, which complies with the requirements of the RNP.

The Department's assessment concludes that the impact of road traffic noise as a result of the modification is acceptable. As the increase in noise is less than 1 dB(A), the increase in traffic noise as a result of traffic from the project site would not have a noticeable impact on sensitive receivers adjacent to Industrial Drive, Mayfield, and it is not considered necessary to require any additional noise mitigation measures.

7.3 Other Issues

The Department's consideration of other issues is provided in **Table 7.**

Table 7: *Assessment of Other Issues*

Consideration	***Recommendation***
Traffic and Transport	
▪ A Traffic Impact Assessment (TIA) was carried out by AECOM Australia Pty Ltd to consider the predicted traffic generation, consistency of the modification with the Mayfield Concept Plan, and the acceptability of the associated traffic impacts of the proposed modification. ▪ There are 200 daily truck movements under the existing operations. The modification is predicted to cause an increase of 100 daily movements resulting in a maximum number of 300 daily truck movements. ▪ Intersection modelling was undertaken for the Industrial Drive / Ingall Street intersection to assess the impacts of the increase in truck movements using an annual growth rate of 1% over 10 years to 2025. ▪ The analysis indicated that intersection performance would remain at Level of Service (LoS) B in both the 2015 and 2025 AM and PM peaks. ▪ An additional 5 ships (10 movements) are expected per year, resulting in a maximum of 57 ships accessing the site each year. ▪ The Department considers that the proposed truck and ship movements are consistent with the Mayfield Concept Plan approval limit of 1,268 truck movements per day and 560 ships per annum. ▪ The proposed modification would result in a moderate increase in truck and ship movements, however, in terms of the overall Concept Plan, predicted movements are within the envelope determined as part of the Concept Plan. ▪ PoN, Council and RMS raised no concerns with the traffic and ship movements. ▪ The Department is satisfied that the existing conditions of consent would ensure that the project, as modified, would not adversely impact on local traffic or the operations of the Port of Newcastle.	▪ Retain existing conditions relating to traffic and transport. ▪ Schedule 4, Condition 4 of the existing consent requires all strategies, plans and programs to be updated within 3 months of the modification approval.
Hazard and Risk	
▪ Whilst the proposed modification would increase the annual throughput of fuel through the terminal, it would not result in an increase in the quantity of fuel stored at the site at any one time. ▪ Diesel and biodiesel are not classified as dangerous goods and therefore SEPP 33 does not apply and the development is not considered to be a potentially hazardous industry. ▪ The Applicant has committed to review the original Fire Safety Study to ensure water retention systems have adequate capacity for the additional supply; review the preventative maintenance program to ensure reliability of equipment is maintained at all times; and update all existing emergency documentation, as necessary. ▪ The PoN requested an additional condition requiring a Hazard Audit to ensure consistency with auditing requirements under the Concept Plan. A condition of approval has been recommended as part of the modification. The Department considers this is reasonable and the Applicant has not objected to the imposition of this condition. ▪ The Department's assessment concludes that the modification does not introduce new materials or a type of operations that would introduce new hazards. ▪ Further, any potential risks posed by the facility could be appropriately mitigated and managed through existing conditions of consent.	▪ Retain existing conditions regarding hazard and risk. ▪ Schedule 4, Condition 4 of the existing consent requires all strategies, plans and programs to be updated within 3 months of the modification approval. ▪ Require additional condition regarding a Hazard Audit as per request from PoN.
Greenhouse Gas	
▪ The increase in truck movements to and from the facility would result in a small increase in Scope 3 greenhouse gas emissions. ▪ The existing operations generate approximately 3,288 tonnes of equivalent	▪ Retain existing conditions regarding greenhouse gas. ▪ Schedule 4, Condition 4 of

Consideration	Recommendation
CO_2 per annum, which represents approximately 0.84% of the total transport emissions in Australia in 2012. The modification will increase this to around 4,932 tonnes per annum due to increased traffic movements. ▪ The Department's assessment concludes that the contribution of the modification to greenhouse gas emissions is negligible.	the existing consent requires all strategies, plans and programs to be updated within 3 months of the modification approval.
Relationship to Mayfield Concept Plan Approval	
▪ The Department has assessed the consistency of the modification with the terms of approval for the Concept Plan. ▪ The Applicant has utilised the Mayfield Concept Plan Site Air Quality Model in its assessment of the proposed development, as required by the Concept Plan approval. ▪ The Applicant has provided predicted impacts of noise to PoN for inclusion in the Site Noise Model. ▪ Stolthaven has advised that it is undertaking all monitoring requirements in accordance with its obligations under both its own approval (SSD_6664) and those of the Mayfield Concept Plan approval (MP09_0096). ▪ The Department's assessment concludes that the proposed modification is consistent with the requirements of the approved Concept Plan.	▪ NA

8. CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that the proposed amendments will not change the use or operation of the facility and will improve its functionality and efficiency. The Department also concludes that the potential environmental impacts can be appropriately managed through existing and modified conditions of approval. Overall, the key environmental impacts relating to air quality and noise and other minor issues associated with the modification are considered acceptable.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Acting Executive Director, Infrastructure and Industry Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96(1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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APPENDIX A: NOTICE OF MODIFICATION

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification Application

   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7236

2. Submissions

   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7236