

Mr Shaun Taylor  
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DOC18/107889  
DA 18/95 MOD 3 and MP 05\_0122 MOD 4

Dear Mr Taylor

**Cargill Oilseed Processing Facility (DA 18/95 MOD 3 and MP 05\_0122 MOD 4)  
Environmental Assessment Requirements (EARs)**

I refer to your letter dated 16 February 2018, seeking an amendment to the Environmental Assessment Requirements (EARs) issued by the Department on 18 December 2017. The EARs were for the preparation of an Environmental Assessment (EA) supporting a modification request to the Minister's consent for the for the Cargill Oilseed Processing Facility, Kooragang Island (the Site).

The modification request to be assessed under section 75W of the *Environmental Planning and Assessment Act 1979*, proposes the construction of a new Meal Storage Shed within the existing irrigation area of the Site. As part of the request to revise the EARs, the Department understands Cargill Australia Limited is seeking the inclusion of a change to the approved hours for road and rail movements entering and exiting the Site to occur 24 hours, 7 days a week. This request will align the delivery hours to and from the Site with the approved operational hours. By including the change to road and rail movements entering and exiting the Site, the revised EARs will now modify both the development consent (DA 18/95) and the Project Approval (MP 05\_0122).

Your modification requests should be accompanied by an EA which addresses the requirements of the Department's letter dated 18 December 2017 (refer to **Attachment A**) and the following:

- appropriate justification of the change to the approved hours for road and rail movements entering and exiting the Site to occur 24 hours, 7 days a week;
- an assessment of biodiversity impacts undertaken in accordance with the Biodiversity Development Assessment Report detailed in section 6.12 of the *Biodiversity Conservation Act 2016* and section 6.8 of the *Biodiversity Conservation Regulation 2017*; and
- a noise impact assessment, including an assessment of road traffic noise assessment in accordance with NSW EPA Noise Policy for Industry 2017.

Following the provision of the EA, the Department will advise you of the applicable fee and consultation requirements. If you have any enquiries about these requirements, please contact Melissa Prochazka on the above details.

Yours sincerely



Chris Ritchie

Director

Industry Assessments

as delegate of the Secretary

26/2/18

**ATTACHMENT A**

**The Department's letter dated 18 December 2017**



**Industry Assessments**

Contact: Melissa Prochazka

Phone: (02) 8289 6695

Email: [melissa.prochazka@planning.nsw.gov.au](mailto:melissa.prochazka@planning.nsw.gov.au)

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DOC17/606719  
DA 18/95 MOD 3

Email: [staylor@ramboll.com](mailto:staylor@ramboll.com)

Dear Mr Taylor

**Cargill Oilseed Processing Facility (DA 18/95 MOD 3)  
Environmental Assessment Requirements (EARs)**

I refer to your modification request seeking to modify the Minister's approval for the Cargill Oilseed Processing Facility (DA 18/95) under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Department notes you are only seeking to modify the original development consent (DA 18/95) for the Cargill Oilseed Processing Facility, and not the later Project Approval for its expansion (MP 05\_0122). Should you identify that the Project Approval would also need to be modified, you should undertake further consultation with the Department prior to lodgement.

In accordance with section 75W(3) of the EP&A Act, the Secretary may notify the Proponent of environmental assessment requirements (EARs) with respect to the proposed modification. The Proponent must comply with these requirements before the matter is considered by the Department. The EARs below are based on the information provided to date.

Your modification request should be accompanied by an Environmental Assessment (EA) which addresses the requirements of the Department (refer to **Attachment A**) and relevant agencies (refer to **Attachment B**). At a minimum, the EA must include the following:

- details concerning the need and justification for the modification, having regard to its location and potential environmental impacts
- an Air Quality Impact Assessment in accordance with the Environment Protection Authority's requirements (refer to **Attachment B**)
- details of traffic generation and access arrangements
- a noise impact assessment, including an assessment of road traffic noise
- details of waste management
- an assessment of the likely aesthetic appearance of the development, together with any measures to mitigate the visual impact
- a preliminary hazard analysis and confirmation that the proposed modification will not be a Major Hazard Facility under the *Work Health and Safety Regulation 2011* and
- a biodiversity impact assessment undertaken in accordance with the Framework for Biodiversity Assessment and the *NSW Biodiversity Offsets Policy for Major Projects*.

The Department strongly recommends you directly consult with other relevant government agencies in preparing the EA, including:

- Newcastle City Council
- Roads and Maritime Services
- Environment Protection Authority
- Department of Primary Industries – Water and
- Office of Environment and Heritage.

Following the provision of the EA, the Department will advise you of the applicable fee (under Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation 2000*) and consultation requirements.

If you have any enquiries about these requirements, please contact Melissa Prochazka on the above details.

Yours sincerely



Chris Ritchie

**Director**

**Industry Assessments**

as delegate of the Secretary

18/12/17.

## **ATTACHMENT A**

### **DPE Requirements**

The Department has reviewed your PEA and provides the following general comments which should be incorporated into your Environmental Assessment (EA):

#### **Real property description**

The site is described as Part Lot 119 in Deposited Plan 832729 in Section 1.0. Please check the legal description of the land, as the Department's records indicate the site is described as Lot 2 in Deposited Plan 858206.

#### **Site layout plan (Drawing Number SK002) and General Arrangement Plan SK001**

There appears to be discrepancies between these plans. To understand the relationship between these two drawings, both plans should be orientated the same (please provide north points) and it is suggested that the part of the site layout plan which relates to the General Arrangement Plan be shown as a bordered inset on the overall site layout plan. Both plans should be drawn so as to differentiate proposed works from existing/current operations.

#### **Approval/consent to be modified**

In sections 2.1 and 6.0, it is indicated that the proposal only requires modification of development consent DA 18/95, and does not require modification of major project approval MP 05\_0122. Please expand on the rationale as to why you believe this is the case.

#### **Options**

In the options assessment provided in Section 4.1, please elaborate on "Option 1: Do Nothing" in the context of Cargill's current utilisation of the off-site meal storage facility on the adjoining property.

#### **Traffic and access**

The second-last paragraph of Section 5.9.2 indicates that Cargill currently transfers meal via conveyor to its storage facility on the adjoining site. As part of the EA, you should:

- provide a map identifying the location of the adjacent facility and its relationship to the site
- provide a map identifying the B-double transport route between the adjacent facility and the Port of Newcastle and
- clarify whether this route would continue to be used transport meal from the proposed meal storage shed to the Port.

The last paragraph of Section 5.9.2 states that "...the project would result in an average of seven trucks per day from the facility. However, peaks would occur when meal is being transported to the port for export." It is unclear whether this is an additional seven or 14 truck movements. Consequently, the EA should:

- describe the additional truck movements involved in the operation of the new facility within the context of the facility's current total truck movements
- clarify how often "peak 5-6 day periods and corresponding truck movements" would occur annually and
- clarify whether the truck movements associated with the new facility would be the same or different to the truck movements currently associated with the transportation and meal from the storage facility on the adjoining site.

The EA should also indicate whether any sensitive receivers are located in close proximity to the existing/proposed transportation route and, if so, any mitigating measures required to address potential amenity impacts to these receivers.

### **Project Description**

The project overview described in Section 1.2 details the addition of one or two new stainless-steel silos, however these silos are not referred to in the description of the project provided in Section 3.2. Please clarify whether one or two silos are proposed to be constructed and, if so, provide a description of the proposed silo/s, height/dimensions, etc.

ARUP Drawing SK002 appears to indicate the development of a "new rail siding 216 metres long" and a "new rail turnout", however these rail infrastructure works are not included in sections 1.2 or 3.2. Please clarify whether these rail works are proposed to be constructed as part of the modification request.

### **Hazards and dangerous goods**

The proposed modification will include the following changes which are potentially hazardous:

1. Construction and operation of a new Meal Storage Shed (6,000 m<sup>2</sup> x 21 m) which includes a fumigation gas (methyl bromide and phosphine, both of which are dangerous goods) distribution and capture system; and
2. Canola meal sifting project which includes extension of the Meal Grinding Building, additional silo/s and relocation of an existing dust extraction system.

It is noted that the proposal is identified as potentially hazardous due to dust explosion related hazards. However, the Preliminary Environmental Assessment did not specify any hazards related to the use of fumigation gases, which are dangerous goods (Class 2.3 with subsidiary-risk 2.1 for phosphine), within the new Meal Storage Shed. In addition, the Meal to be stored is also a dangerous good (Class 4.2 PG III) but not identified as such.

To ensure that the requirements in SEPP 33 will be met a Preliminary Hazard Analysis (PHA) must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Hazard Analysis and Multi-Level Risk Assessment*. The PHA should:

- indicate the class, packing group, subsidiary-risks, quantity and location of all dangerous goods and hazardous materials proposed to be stored
- describe the fumigation gas distribution and capture process, including the use of all dangerous goods and hazardous material for this system, along with safeguards for this system
- identify the hazards associated with the proposal, including and not limited to hazards associated with:
  - the fumigation gas distribution and capture system within the new Meal Storage Shed (potential for toxic gas release, in particular)
  - the relocation of dust extractor equipment or systems, including considerations of system capacity in preventing dust explosions
- estimate the risks from the development with the proposed modification and
- demonstrate that the development with the proposed modification complies with the risk criteria set out in the Department's *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning*.

It is also recommended that the Applicant provide confirmation, at this stage, that the development with the proposed modification will not be a Major Hazard Facility (MHF) under the *Work Health and Safety Regulation 2011* (i.e. store DG and hazardous materials at quantities above the threshold quantities in Schedule 15 of the *Regulation*). If it is an MHF, SafeWork NSW should be consulted on SEARs for this application to ensure that the requirements of the *Regulation* will be met.

**ATTACHMENT B**  
**Public Authority Requirements**



DOC17/178120-01, File No. EF13/2746

Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Robert Byrne

[robert.byrne@planning.nsw.gov.au](mailto:robert.byrne@planning.nsw.gov.au)

Dear Mr Byrne

**MODIFICATION TO DA18/95  
CARGILL AUSTRALIA – PROPOSED MEAL STORAGE SHED  
51 RAVEN STREET, KOORAGANG**

I refer to your email to the Environment Protection Authority (EPA) received on 20 March 2017 requesting the EPA's comments on the Preliminary Environmental Assessment (PEA) prepared in respect of the above proposal.

The EPA understands the proposal involves the establishment of a shed for the storage and fumigation of meal products, with a fumigant recapture system.

The EPA has considered the details of the proposal as provided in the PEA and has identified the information it requires to be addressed in the Environmental Assessment (EA) to make a reliable appraisal of the impacts of the proposal. The main issue of interest to the EPA is the potential impact on air quality.

The EA must include an Air Quality Impact Assessment (AQIA). The AQIA must identify and describe in detail all possible sources of air pollution and activities/processes with the potential to cause air pollution beyond the boundary of the premises.

The AQIA should include cumulative impacts associated with existing developments and any developments having been granted development consent but which have not commenced. In particular the cumulative impacts associated with the venting of fumigants from other facilities in the Port precinct, such as GrainCorp and Newcastle Agri Terminal, must be considered and assessed.

The EA should demonstrate that the facility will operate within EPA's objectives which are to minimise adverse effects on the amenity of local residents and sensitive land uses and to limit the effects of emissions on local, regional and inter-regional air quality.

The EA must describe in detail the measures proposed to mitigate the impacts and quantify the extent to which the mitigation measures are likely to be effective in achieving the relevant environmental outcomes.



The AQIA must be prepared in accordance with the EPA's "*Approved Methods and Guidance for the Modelling & Assessment of Air Pollutants in NSW*". The AQIA must describe the methodology used and any assumptions made to predict the impacts. Air pollutant emission rates, ambient air quality data and meteorological data used in the assessment must be clearly stated and justified.

The proponent should be aware that any commitments made in the EA may be formalised into EPA's suggested approval conditions for the proposal and Environment Protection Licence. Accordingly, pollution control measures should not be proposed if they are impractical, unrealistic, or beyond the financial viability of the development.

The EPA requests that the applicant provide **one printed copy and one electronic copy** of the EA and any supporting or background reports when lodging the application with the EPA. These documents should be lodged with the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300.

If you require any further information regarding this matter please contact me on (02) 4908 6824.

Yours sincerely

 22/3/2017

**HAMISH RUTHERFORD**  
**Senior Operations Officer - Hunter**  
**Environment Protection Authority**

Contact officer: HAMISH RUTHERFORD  
(02) 4908 6824  
hunter.region@epa.nsw.gov.au

13 November 2017

CR2017/003399  
SF2017/201367  
KAP

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

Attention: Chris Ritchie,

CORMORANT ROAD (MR108): DA 18/95, CONSULTATION IN PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT FOR CARGILL KOORAGANG MEAL STORAGE SHED AND PROCESS MODIFICATIONS, 140 CORMORANT ROAD, KOORAGANG ISLAND

Reference is made to a letter received via email on 1 September 2017 from Ramboll Environment seeking Secretary's Environmental Assessment Requirements ('SEARs') for the preparation of a new environmental impact assessment for the submission of modification to DA 18/95 at *Cargill Koorangang*.

Roads and Maritime understands the prospective development involves the construction of a new meal storage shed and infrastructure associated with the internal transfer and processing of meal. While the property is bound by Cormorant Road to the south, the site benefits from direct access to Raven Street. Two way access to / from Raven Street is to be provided and used during the construction phase (e.g. transporting fill and topsoil) and during operations.

#### Roads and Maritime response

While Roads and Maritime Services ('Roads and Maritime') have no record of a request being made in March 2017 for SEARs from the Department of Planning and Environment, consideration has been given to the Preliminary Environmental Assessment dated February 2017 for the prospective development.

Roads and Maritime request that an Environmental Impact Assessment should refer to the following guidelines with regard to the traffic and transport impacts of the proposed development:

- Road and Related Facilities within the Department of Planning EIS Guidelines, and,
- Section 2 Traffic Impact Studies of Roads and Maritime's *Guide to Traffic Generating Developments 2002*.

Furthermore, a traffic and transport study shall be prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002* and is to include (but not be limited to) the following:

- Assessment of all relevant vehicular traffic routes and intersections for access to / from the subject property.
- Current traffic counts for affected traffic routes and intersections.
- The anticipated additional vehicular traffic generated from both the construction and operational stages of the project.
- The distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
- Consideration of the traffic impacts on existing and proposed intersections, in particular, the first classified road intersection encountered following the local road network from the site, and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area.
- Identify the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Roads and Maritime and Council.
- Traffic analysis of any major / relevant intersections impacted, using SIDRA or similar traffic model, including:
  - Current traffic counts and 10 year traffic growth projections
  - With and without development scenarios
  - 95<sup>th</sup> percentile back of queue lengths
  - Delays and level of service on all legs for the relevant intersections
  - Electronic data for Roads and Maritime review.
- Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles.

Should you require further information please contact Hunter Land Use on 4908 7688 or by email at [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely



Peter Marler  
Manager Land Use Assessment  
Hunter Region