

Form 2 - Responsible Authority Report

(Regulation 17)

Property Location:	Lot 9002 Kwinana Beach Road and Lot 1003
	Patterson Road, Kwinana Beach
Application Details:	Proposed General Industry – Bitumen
	Storage and Distribution Facility
DAP Name:	Metro South-West JDAP
Applicant:	TPG Town Planning Urban Design &
	Heritage (on behalf of development operator
	Puma Energy)
Owner:	WA Land Authority – LandCorp
LG Reference:	DA8174.03
Responsible Authority:	City of Kwinana
Authorising Officer:	Jessica Birbeck – Planning Officer
Department of Planning File No:	DAP/14/00677
Report Date:	23 May 2016
Application Receipt Date:	19 May 2016
Application Process Days:	60 Days
Attachment(s):	1: Location Plan
	2: 6167-L-0001-DA 9 – Site Layout
	3: 6167-A-0001-DA2 – Control Building Plan
	and Elevations
	4: 6167-L-0003-DA5 – Site Layout East
	Elevation View
	5:6167-L-0004-DA6 – Site Layout North
	Elevation View
	6: 6167-L-0005-DA5 – Site Layout NE
	Isometric View
	7: 6167-Y-0001 - DA – Preliminary Hazard
	Assessment Site Plan

Recommendation:

That the Metro South-West JDAP resolves to:

- 1. Accept that the DAP Application reference DAP/14/00677 as detailed on the DAP Form 2 dated 18 May 2016 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development* (Development Assessment Panels) Regulations 2011;
- 2. Approve the DAP Application reference DAP/14/00677 as detailed on the DAP Form 2 dated 18 May 2016 and accompanying plans 6167-L-0001-DA9, 6167-A-0001-DA2, 6167-L-0003-DA5, 6167-L-0004-DA6, 6167-L-0005-DA5, 6167-Y-0001-DA in accordance with the provisions of the City of Kwinana Town Planning Scheme No. 2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved General Industry Bitumen Storage and Distribution Facility and Fuel Depot on Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road, Kwinana Beach, subject to the conditions and advice notes of the 18 August 2015 approval.

Background:

Property Address:		Lot 9002 Kwinana Beach Road and Lot 1003
		Patterson Road, Kwinana Beach
Zoning	MRS:	Special Industrial
	TPS:	General Industry
Use Class:		General Industry – Bitumen Storage and
		Distribution Facility
Strategy Policy:		City of Kwinana Local Planning Policy (LPP) -
		Development within Industrial Zones
Development Scheme:		City of Kwinana Town Planning Scheme No.2
Lot Size:		2.84 hectares (proposed lease area)
Existing Land Use:		Vacant
Value of Development:		\$28 million

The Metro South-West Joint Development Assessment Panel (JDAP) at its meeting held on 12 January 2015 approved an application for a proposed General Industry – Bitumen Storage and Distribution Facility and Fuel Depot on Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road, Kwinana Beach. A Form 2 approval was subsequently approved by the JDAP on 18 August 2015 for some minor amendments.

Proposal:

Puma Energy proposes to construct and operate a new Bitumen import and distribution facility on a 2.84 hectare leased portion of Lot 9002 Kwinana Beach Road, with import pipelines connecting into Lot 1003 Patterson Road, Kwinana Beach (Attachment 1). The facility will import bitumen through the Kwinana Bulk Terminal, which will be stored in on-site tanks and then loaded into trucks for distribution.

The bitumen terminal will operate as an import facility, receiving bitumen products from shipments, storing these products in dedicated above ground storage tanks, and loading road tankers through bitumen loading gantries. There will be no bitumen processing conducted upon this site. The owner of the land is landcorp.

Puma Energy is proposing to enter into a joint venture (JV) agreement with the neighbouring lease holder SAMI Bitumen Technologies (SAMI) to share three bitumen storage tanks and associated facilities across the two leasehold sites.

Summary of proposed Amendments

The applicant seeks to amend the planning approval granted by the JDAP on the 18 August 2015 for the proposed General Industry – Bitumen Storage and Distribution Facility and Fuel Depot by modifying the layout of the development on the site. No development has yet taken place on site.

The modifications proposed to the development are as follows:

1. Two 6.3kT bitumen storage tanks proposed within the Puma lease area, linked to a third 6.3kT located within the adjoining SAMI Bitumen leasehold area. The site was previously approved with three 6.3kT storage tanks located exclusively on the Puma leasehold area.

- 2. Four 0.25kT day tanks. This is in lieu of two 1kT day tanks that were previously approved.
- 3. Removal of the hose and maintenance shed
- 4. Relocated plant facilities (hot oil slab and pump slab)
- 5. A revised transfer pipeline to the Kwinana Bulk Terminal (via Lot 1003)
- 6. Relocated staff parking (4 bays)
- 7. Relocation of infiltration zones
- 8. Reconfiguration of the Control/Amenities Building and inclusion of a storage shed
- 9. Rearrangement of the vehicle access ways with dual access and egress points from the two crossovers

The main changes in the application are the result of the partnership with SAMI to share three 6.3kT storage tanks and associated facilities (JV pump & hot oil slab and MCC Control building) across the two leasehold areas.



Setback Variation for Drivers Amenities Building

The Control Building is proposed with a front setback of approximately 8m in lieu of the required 15m front setback under Town Planning Scheme No. 2 (TPS 2). It is noted that the JDAP previously supported a 4m setback as part of the existing planning approval for the Driver Amenities Building. The JDAP has the discretion to permit variations to boundary setbacks subject to a consideration being given to the following under Clause 6.3.2:

- (i) The effect on the privacy of adjoining lots.
- (ii) The effect on the amenity of adjoining land through overshadowing.
- (iii) The extent of noise transmission.
- (iv) The effect on the streetscape.
- (v) Possible obstruction or hindrance to movement, use or activity on adjacent land.
- (vi) Undercutting or overbearing of development on adjoining land.
- (vii) The discharge of stormwater runoff onto adjoining land.
- (viii) Obstruction of the safe movement of traffic.
- (ix) The position of existing buildings and structures.
- (x) The requirements of any servicing authority.

The incursion of the driver's amenity building into the front setback is seen to be acceptable as the building is of a small scale and should not detrimentally affect the streetscape or amenity of the locality. The section of Kwinana Beach Road / Port Road where the reduced setback is proposed is a no through road and as such, the vehicles using this section of road will be utilising this site or the Kwinana Bulk Terminal. The road verge adjacent to the building is approximately 14 metres wide, further reducing the potential impact of the building on the streetscape.

Dual Access

The approved site plans for the lease area feature a one way entry and exit at the site. The site layout is proposed to be rearranged to provide dual access and egress points from the two crossovers. The City's Engineering Department has reviewed the modification and deem it acceptable.

Offsite Risk

The applicant submitted an updated Preliminary Hazard Analysis Report undertaken by ACOR Consultants. Attachment 4 shows the risk contours which apply to the reconfigured bitumen tank storage areas, including the tank storage on the SAMI site. The risk acceptance criterion for industrial premises is 50×10^{-6} (50 in a million) fatalities per year. The calculated risk for potential events that could affect the industrial premises resulted in a risk level that meets the acceptable criteria for industrial premises of 5 x 10^{-5} (50 in a million) at the property boundary. It is important to note that 50 x 10^{-6} and 5 x 10^{-5} both result in a risk level of 50 in a million.

The most sensitive land use adjacent to the development is Wells Park (recreational area) with other industrial uses located adjacent to the development. The risk acceptance criterion for active open space such as Wells Park is 10×10^{-6} (10 in a million) fatalities per year. The risk transect slices indicate that the potential events at the development do not exceed the risk criteria for an active open space and do not pose any impact to Wells Park.

The original approval had a bitumen storage capacity of 16 Mega litres (ML). The amended application that was previously approved increased this capacity to 18.6 Kilo Tonnes (Kt) (the unit of measurement of Mega litres and Kt is the same when calculating the volume of bitumen) that was located wholly on the Puma lease area. The application proposes a reduction to two 6.3Kt storage tanks on the Puma Energy lease site and one shared 6.3Kt storage tank within the SAMI lease area.

Officer's Comment

The proposed amendment to the application largely represents the rearrangement of the approved buildings and facilities on the site to provide for the joint venture agreement with the two leaseholders. The amendments will also provide better traffic flow and separate workers from the plant areas. The proposed amendments do not materially change the intent of the application nor do they give rise to additional conditions being required.

With the exception of the abovementioned setback variation, the proposed development is compliant with the requirements and objectives of TPS No.2 and as such, is recommended for approval subject to the conditions of approval granted by the JDAP on the 18 August 2015.

Legislation & Policy:

Legislation

The proposed development is subject to a range of licences and regulations applying to industry in Western Australia. A summary of the key legislation, regulations or local laws relevant to the application is listed below:

- Contaminated Sites Act, 2003
- Dangerous Goods Safety Act, 2004 and Regulations
- Environmental Protection Act, 1986 and relevant Regulations
- Health Act, 1911
- Kwinana Environmental Protection (Atmospheric Waste) Policy 1992 including 1999 amendment Regulations
- State Environmental (Cockburn Sound) Policy, 2005
- Planning and Development Act, 2005
- City of Kwinana, Local Planning Scheme No. 2 and Local Planning Policies

State Government Policies

State Planning Policy 4.1 – State Industrial Buffer Policy

State Planning Policy 2.6 – State Coastal Planning Policy and associated Position Statement

Local Planning Policies

Local Planning Policy – Development within the Cockburn Sound Catchment Local Planning Policy – Development within Industrial Zones.

Consultation:

The proposal represents a "P" use within the context of the requirements of TPS No.2 and therefore is not required to be advertised. The amended application was however advertised to Fremantle Ports as the owners of the Kwinana Bulk Terminal to review the proposed changes. No objections were received.

As the changes are considered minor and do not change the intent of the development, the application was not referred to any other external agencies.

Conclusion:

Upon assessment of the development against the objectives and requirements of TPS No.2, it is considered that the amended application can be approved subject to the conditions of the DAP approval granted on the 18 August 2015. The development largely complies with the requirements of TPS No.2 and represents effective use of currently underutilised industrial land within KIA.

The conditions of approval granted by the JDAP on the 18 August 2015 are as follows:

Conditions

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
- 2. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
- Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan to the satisfaction of the City of Kwinana.
- 4. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
- 5. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.

- 6. The provision of 4 car parking bays to be provided in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 7. All vehicle parking to be accommodated within the boundaries of the subject lot.
- 8. All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
- 9. A minimum of 1,450 square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
- 10. A Landscape Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit. The Landscape Plan must outline the proposed species, spacing of each species and location of vegetation, including mature/advanced species between the fence and the road boundary/verge, shade tree planting for the parking area and proposed reticulation layout. The Plan shall also specify number of plants to be used at the time of planting together with the anticipated height of each plant at maturity.
- 11. All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
- 12. On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
- 13. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 14. The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
- 15. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate treatment and disposal system.
- 16. Prior to the commencement of the development the proponent shall prepare and submit an Asbestos Management Plan for approval to the City of Kwinana.

2. Advice to Applicant

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.2 Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has

been issued with a building permit in accordance with the Building Act 2011 and Building Regulations 2012.

- 2.3 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- 2.4 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions and risk assessment from the development into the KIC cumulative noise and risk models.
- 2.5 The development shall comply with the requirements of the Dangerous Goods Safety Act 2004 and associated regulations and thereby require the approval of the Department of Mines and Petroleum.
- 2.6 The provision of an adequate water supply for fire fighting purposes to the specification of the Department of Fire & Emergency Services, and to the satisfaction of the City of Kwinana.

LOCATION PLAN – SAMI & PUMA LEASE AREAS



ATTACHMENT 1

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Form 2 - Responsible Authority Report

(Regulation	17)
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Property Location:	Part Lot 9002 Port Road, Kwinana Beach
Application Details:	Proposed General Industry – Bitumen
	Storage, Processing and Distribution Facility
DAP Name:	Metro South-West JDAP
Applicant:	GHD Pty Ltd (on behalf of SAMI Bitumen
	Technologies Pty Ltd)
Owner:	WA Land Authority – LandCorp
LG Reference:	DA8470.2
Responsible Authority:	City of Kwinana
Authorising Officer:	Felicitas Dhliwayo – Senior Planning Officer
Department of Planning File No:	DAP/15/00924
Report Date:	25 May 2016
Application Receipt Date:	17 May 2016
Application Process Days:	60 Days
Attachment(s):	1: Location Plan
	2: CIV – 001 – Rev E – Site Drainage Layout
	3: LAY – 045 – Rev A – Site Plan with New
	JV Site
	4: CIV – 002 – Rev C – Site Contours Plan
	5: LAY – 028 – Rev B – Northern and
	Eastern Site
	6: LAY – 022 – Rev C – Site Overview

Recommendation:

That the Metro South-West JDAP resolves to:

- 1. Accept that the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 17 May 2016 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development* (Development Assessment Panels) Regulations 2011; and
- 2. Approve the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 17 May 2016 and accompanying plans CIV 001 Rev E, LAY 045 Rev A, CIV 002 Rev C, LAY 028 Rev B, and LAY 022 Rev C in accordance with the provisions of the City of Kwinana Town Planning Scheme No. 2 and the Metropolitan Region Scheme for the proposed minor amendment to the approved General Industry Bitumen Storage, Processing and Distribution Facility on Part Lot 9002 Port Road, Kwinana Beach, subject to the conditions and advice notes of the 13 January 2016 approval.

Background:

Property Address:		Part Lot 9002 Port Road, Kwinana Beach
Zoning	MRS:	Special Industry
	TPS:	General Industry
Use Class:		General Industry – Bitumen Storage,
		Processing and Distribution Facility
Strategy Policy:		City of Kwinana Local Planning Policy (LPP) -
		Development within Industrial Zones
Development Scheme:		City of Kwinana Town Planning Scheme No.2
Lot Size:		2.4815 hectares (proposed lease area)
Existing Land Use:		Vacant
Value of Development:		\$42 million

The Metro South-West Joint Development Assessment Panel (JDAP) at its meeting held on 13 January 2016 approved an application for a proposed General Industry – Bitumen Storage, Processing and Distribution Facility for SAMI Bitumen Technologies (SAMI) on Lot 9002 Port Road, Kwinana Beach. The approval was issued on the 2.4815 hectare western portion leased area. The development has not yet commenced. The lease areas are shown in Attachment 1 of this report.

The proponent submits that SAMI entered into a joint venture (JV) agreement with the neighbouring lease holder Puma Energy to share three tanks across the two leasehold sites. One of these tanks will be on the SAMI side of the lease boundary. This JV partnership allows the two operators to share facilities and operations.

Summary of Proposed Amended Development Application

The JV between the proponent and Puma Energy results in the following changes;

- 1. The 10 Kilo Tonne (kT) and 6.3 kT storage tanks exchanging location, with both tanks repositioned slightly further forward towards the northern front boundary. The two tanks are located a minimum of 15m from the front boundary, in compliance with Town Planning Scheme No. 2 (TPS 2) requirements.
- 2. The two storage tanks will also be repositioned closer to the eastern side of the lease area boundary (approximately 4.2m). These two tanks were originally located approximately 15m and 17m respectively from the lease boundary with Puma Energy. This is considered acceptable as the TPS 2 stipulates a minimum 6m side setback from a cadastral boundary. The lease area boundary is not considered a cadastral boundary, hence the 6m setback requirement does not apply.
- 3. The 6.3kT storage tank will be physically linked to the two 6.3 kT storage tanks located within the Puma Energy leasehold area.
- 4. Rearrangement of the car park layout and location from an east-west to a north-south orientation. The number of car parks has been increased from 20 to 24. The access arrangements into and out of the site remain the same.

5. Relocation of the firewater tanks and pump house from the northern side of the property towards the middle of the lease area.

All of the operations and activities approved on site will not change as a result of the proposed amendments. The plans below show the approved development and the proposed changes.



Officer's Comment

The proposed amendments to the conditionally approved development seek to rearrange infrastructure on site to accommodate the repositioning of the JV's 6kT storage tank. This has resulted in the two storage tanks being located closer to the lease area boundary. It is noted that the lease boundary is not a cadastral boundary hence the tanks are not required to comply with the minimum 6m side setback under TPS 2.

The rearrangement of the car parking area results in additional 4 car parks being provided. It is noted that this development requires a minimum of 13 car parks under TPS 2. The access arrangements on the site remain unchanged. The proposed changes do not entail additional structures, nor increase the capacity or production of materials. The proposed amendments do not materially change the intent of the application nor do they give rise to additional conditions being required.

The amendments are considered to be of a minor nature and comply with the requirements and objectives of TPS 2. As such, the application is recommended for

approval subject to the conditions of approval granted by the JDAP on the 13 January 2016.

Offsite Risk

The quantitative risk assessment (QRA) report dated October 2015 submitted with the original application indicated that no risk contours exceeded the site boundary and that all off-site risk criteria was met. The proponent submits that with respect to the QRA modelling, the key changes that impact the inputs to the QRA is that the 10kT bitumen feed storage tank has been swapped in position with the 6.3kT bitumen feed storage tank with the 6.3kT tank now positioned further towards the north of the site.

The proponent noted that the layout changes do not result in an increase in flammable materials stored at the facility and that given no other flammable materials have been introduced, there would be limited impact on the risk contours.

The original QRA identified the car park as a potential ignition source due to the presence of vehicles. The report noted that although the car park has been reorientated, the proximity of the car park to the potential release scenarios (loading gantries) has not changed, hence it is not considered that this would impact on the probability of ignition. The proponent submits that in particular, the materials in proximity to the car park are lower flammability materials and therefore the likelihood of ignition from the vehicles is negligible.

The original QRA also found that there were no risk contours generated at the wharf, import pipeline or bitumen storage areas due to bitumen being a Class 9, Packaging Group (PG) III material that has a limited degree of flammability. The proponent states that the layout changes impact the bitumen storage area, however, as there are no changes to inventory or type of material and the bitumen storage area does not materially contribute to the risk contours, it is not expected that there would be any change to the extent of the risk contours.

The most sensitive land users adjacent to the development are Wells Park (recreational area), with industrial uses being located adjacent to the development. The risk acceptance criterion for Wells Park is 10×10^{-6} (10 in a million) fatalities per year. The risk transect slices indicate that the potential events at the development do not exceed the risk criteria for an active open space. Risk transects towards the adjacent industrial premises were also selected. The risk acceptance criterion for industrial premises is 5×10^{-5} (50 in a million) fatalities per year. The calculated risk for potential events that could affect the industrial premises resulted in a risk well below the risk criterion.

Given the above, City Officers are satisfied that the proposed changes do not alter the conclusion of the original QRA that stipulates that Location Specific Individual Fatality Risk contours remain within the site boundary. Given that the proposed changes do not entail changes to the higher flammability materials a review of the QRA is not required in this instance. The proponent submitted a revised hazard assessment map (Figure 1 below) showing the risk contours remaining within the property boundary.

As stated in the original QRA Report, the following measures will also be carried out;

- Hazard and risk assessment studies to address occupation health and safety requirements;
- Hazard and Operability (HAZOP) studies in the design;
- Fire safety study to consider fire escalation events and fire-fighting requirements;
- The development and implementation of appropriate safety management systems and emergency response procedures; and
- Compliance with the requirements for storage of hazardous substances and dangerous goods.

It is considered that with the proposed measures and controls put in place, the development meets the acceptable risk criteria levels. The development will be subject to licensing and dangerous goods legislation controlled by the Department of Mines and Petroleum.



Figure 1 – Hazard Assessment Contours

Proposal

The proponent seeks to relocate its existing bitumen storage and processing facility in North Fremantle to a 2.4815 hectare leased portion of Lot 9002 Port Road, Kwinana Beach. The application states that bitumen will be imported from bulk bitumen carriers moored at the Kwinana Bulk Jetty and transferred to site via the existing services pipeline to storage tanks located on-site. The bitumen will be processed on-site and transferred into road tankers, via new road tanker loading bays. It is noted that the processing of bitumen on site is only limited to the introduction of additives to the bitumen to produce a range of Polymer Modified Bitumen (PMB), specialty and standard grade bitumen emulsion.

The following operational activities will be undertaken on the site;

- Importing of bitumen via cargo ships utilising the Kwinana Bulk Jetty and transferred to the site through an existing services pipeline, for final storage in two feed storage tanks;
- Delivery of smaller quantities of chemicals and additives via road tankers and isotainers and storage on site;
- Processing of bitumen to supply a range of PMB, specialty and standard grade bitumen emulsion; and
- Operation of double bay truck loading gantry.

The applicant advises that loading operations at the site are proposed to be run 24 hours per day, 365 days per year. The applicant's Traffic Assessment Report predicts that the development will generate up to 28 truck movements per day, and 30 light vehicles (staff and tradesperson) movements per day. This equates to a total of up to 58 traffic movements per day. The report notes that the peak operation hours are 4am - 10am and 3pm – 6pm. It is anticipated that there will be a total of 13 staff on-site.

The development proposes the following;

- Administration building with offices and amenities;
- Three double bay loading gantries;
- 10,000 mega tonne capacity steel feed storage tank for bitumen;
- 6,300 mega tonne capacity steel feed storage tank;
- 2 x 500 mega tonne capacity steel day tanks;
- Four 150 tonne capacity storage tanks fitted with heating coils;
- 40m³ bitumen pre heat tank
- 100m³ capacity storage tank for bitumen and additives;
- Two 100m³ capacity storage tanks for flux or similar Class 3 PGIII material;
- Unloading pipeline;
- Bitumen oxidation blowing tower (bitumen oxidation plant);
- Thermal oxidiser (off gas vapour treatment plant);
- Process delivery and return pipelines;
- Hydrocarbon contaminated water treatment plant;
- Thermal oil heater with thermal oil delivery and return pipelines;
- Air compressor, dryer and receiver;
- Bitumen emulsion plant;
- Polymer Modified Bitumen (PMB) Plant;
- Manufacturing building and contained raw material store; and
- Hardstand areas for truck movement and parking.

The above works were approved under the original application, with the changes under this application relating to the repositioning of storage tanks and car parking areas to enable the two operators to share facilities between the lease areas.

Legislation & Policy:

Legislation

The proposed development is subject to a range of licences and regulations applying to industry in Western Australia. A summary of the key legislation, regulations or local laws relevant to the application is listed below:

- Contaminated Sites Act, 2003
- Dangerous Goods Safety Act, 2004 and Regulations
- Environmental Protection Act, 1986 and relevant Regulations
- Health Act, 1911
- Kwinana Environmental Protection (Atmospheric Waste) Policy 1992 including 1999 amendment Regulations
- State Environmental (Cockburn Sound) Policy 2005
- Planning and Development Act, 2005
- City of Kwinana, Local Planning Scheme No. 2 and Local Planning Policies

State Government Policies

State Planning Policy 4.1 – State Industrial Buffer Policy State Planning Policy 2.6 – State Coastal Planning Policy and associated Position Statement

Local Planning Policies

Local Planning Policy – Development within the Cockburn Sound Catchment Local Planning Policy – Development within Industrial Zones.

Consultation:

The proposal represents a "P" use within the context of the requirements of TPS No.2 and therefore is not required to be advertised. However, the application was referred to Fremantle Ports for comment with no objection received. The application was referred to Fremantle Ports only as the owners of the Kwinana Bulk Jetty Terminal.

The amended application was not advertised to any other referral agencies or adjoining land owners as it is not required under TPS No.2 and the changes are considered minor and do not change the intent of the development.

The Department of Environment Regulation (DER) has classified the land as *possibly contaminated – investigation required* under the Contaminated Sites Act 2003, and as such, there is a memorial on the Certificate of Title for the subject land.

Lot 9002 Kwinana Beach Road was subject to an overall preliminary site investigation in 2008, which indicated that potential Asbestos Containing Material from fly tipping was removed from the site in 2006. The DER has since reported however, that evidence to confirm whether the remedial works undertaken in 2006

were successful in removing all asbestos materials is yet to be submitted or confirmed.

The DER have previously commented (Puma Energy's recent application DAP/14/00615 on the same lot for a similar development) that the site is capable of supporting the industrial development, however should be required under the Contaminated Sites Act, 2003 to prepare an Asbestos Management Plan to address the potential risks to site workers during the construction period. Subject to the preparation and submission of the abovementioned management plan, the DER would not recommend any contaminated sites related conditions.

Conclusion:

Upon assessment of the development against the objectives and requirements of TPS No.2, it is considered that the amended application can be approved subject to the conditions of the DAP approval granted on the 13 January 2016. The development largely complies with the requirements of TPS 2 and represents effective use of currently underutilised industrial land within KIA.

The conditions of approval granted by the JDAP on the 13 January 2016 are as follows:

<u>Conditions</u>

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
- 2. A minimum of 1240 square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
- 3. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
- 4. Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan to the satisfaction of the City of Kwinana.
- 5. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
- 6. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
- 7. A minimum of 13 vehicle parking bays are to be provided in the area defined on the approved development plans in accordance with AS2890, to be clearly

marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation of the development to the satisfaction of the City of Kwinana.

- 8. All vehicle parking to be accommodated within the boundaries of the subject lot.
- 9. All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
- 10. All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
- 11. A detailed Landscaping Plan which outlines the proposed species and densities of plants to be used at the time of planting together with the anticipated height of each plant at maturity, spacing of each species and location of existing vegetation, the use of mature/advanced species between the existing security fence and the road boundary/verge, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to commencement of construction. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.
- 12. All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
- 13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act and Cockburn Sound Management Council requirements.
- 14. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 15. The development shall be connected to an adequate potable water supply in accordance with the standards required by the *National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.*
- 16. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate treatment and disposal system.
- 17. Prior to the commencement of the development the proponent shall prepare and submit to the City of Kwinana for approval an Asbestos Management Plan which has been reviewed by a WA Accredited Contaminated Sites Auditor. The plan shall be implemented during the construction period.
- 18. Within 14 days of commissioning of the Plant operations, the proponent shall provide to the City of Kwinana, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations. The certification shall demonstrate that the plant complies with Environmental Protection (Noise)

Regulations 1997 from time of commencement of operations through to maximum throughput capacity.

19. The proponent shall ensure odour emissions from the site do not cause nuisance odour at sensitive premises as determined under the nuisance provisions of the Health Act.

2. Advice to Applicant

- 2.1 The applicant is advised that planning approval is required from the City of Kwinana for all future development prior to the commencement of works or alteration of land use.
- 2.2 Construction should not be commenced for the components of the development which require building approval until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the *Building Act 2011* and *Building Regulations 2012*.
- 2.3 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003, Kwinana Environmental Protection (Atmospheric Waste) Policy 1999.
- 2.4 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.5 The development shall comply with the requirements of the Dangerous Goods Safety Act 2004 and associated regulations and thereby require the approval of the Department of Mines and Petroleum.
- 2.6 The development shall comply with the Department of Environment Regulation Works Approval and Licence conditions.
- 2.7 The provision of an adequate water supply for fire fighting purposes to the specification of the Department of Fire & Emergency Services, and to the satisfaction of the City of Kwinana.
- 2.8 Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development* (Development Assessment Panels) Regulations 2011.

LOCATION PLAN – SAMI & PUMA LEASE AREAS



ATTACHMENT 1



DRAINAGE LEGEND SEPTIC/TREATMENT CATCHMENT BUNDED DRY AREA (NOTE F) (NOTE A) SEPTIC TANK (BURIED) OILY WATER SEPARATOR (NOTE F) CATCHMENT AREA (NOTE B) SEPTIC SYSTEM INFILTRATION AREA FIRST FLUSH SEPARATOR CATCHMENT (NOTE F) (TO BE GREATER THAN 150m²) AREA (NOTE C) OILY WATER SEPARATOR AND FIRST ッくう RAISED BUND LANDSCAPE VERGE FLUSH SEPARATOR (NOTE D) SITE RUNOFF INFILTRATION AREA A A LANDSCAPE VERGE (NOTE E)

LEGEND NOTES

A - BUILDING DRY AREAS THE MANLFACTURING BUILLINGUSE PLANT AND STORE DRY INCREDIENTS FOR THE PMIB AND EMULSION PLANT. THIS BUILDING WILL HAVE FOUNDATION HEIGHT ABOVE THE SURROUNDING SEALED AREA AND SHALL BE KEPT DRY. IT MAY BE FITTED WITH RAMPS OR ROLL OVER BUNDS AT THE ENITRANCES TO THE BUILDING. THE BUILDING MAY BE SLOPED INSIDE TO DRAIN TO LOCAL BLIND SUMPS TO COLLECT MONOR SPILLS FOR COLLECTION AND TESTING PRIOR TO DISCHARGE TO THE CORRECT TREATMENT SYSTEM. STORM WATER FROM THE ROOF OF THE MANUFACTURING BUILDING WILL BE PIPED DIRECTLY TO THE INFILTRATION AREA.

THE FIREWATER BUILDING WILL HOUSE FIREWATER PUMPS. THIS BUILDING WILL BE RAISED ABOVE THE SURROUNDING LOCAL GROUND LEVEL. STORM WATER FROM THE ROOF OF THE BUILDING WILL RUN ABOVE GROUND TO LOCAL STORM WATER DRAINAGE.

B - OILY WATER SEPARATOR CATCHMENT AREA

THE LARGE TANK BUNDS WILL BE GRADED TO DRAIN TO BLIND SUMPS, WITH ROAD BASE CHIP SEAL APRONS SURROUNDING THE TANK FOUNDATION PLINTHS, WITHIN 3.1 M HIGH CONCRETE BUND WALLS.

THE SMALLER TANKS AREAS FOR FLUX, PMB, EMULSION AND OXIDATION SHALL DRAIN TO BLIND SUMPS WITH CONCRETE FOUNDATION SLABS, WITHIN SMALL CONCRETE BUND WALLS.

EACH CANTRY BAY SHALL BE SIZED FOR A TANKER COMPARTMENT AND DRAIN TO A BLIND SUMP WITH CONCRETE FOUNDATION SLABS. THE TRUCKS SHALL ENTER OVER ROLL OVER BUNDS AT THE ENTRY AND EXIT. THE GANTRY SHALL BE COVERED AND THE ROOF STORM WATER SHALL BE DIRECTED TO THE INFILTRATION AREA.

C - FIRST FLUSH SEPARATOR CATCHMENT AREA

ALL ROADS AND PARADRA CATUMIENT AREA ALL ROADS AND PARED AREAS SHALL GRAVITY DRAIN TO THE FIRST FLUSH SYSTEM ADJACENT TO THE INFILTRATION AREA. IT IS POSSIBLE THAT SOME UNDERGROUND STORM WATER DRAINS MAY BE REQUIRED FROM THE CARPARK AND MANUFACTURING AREAS AT THE EXTREMES OF THE COLLECTION SYSTEM. IT IS THE INTENT TO KEEP AS MUCH OF THE SYSTEM SURFACE DRAINED AS POSSIBLE.

D - OILY WATER SEPARATOR AND FIRST FLUSH SEPARATOR

THE COMBINED OILY WATER SEPARATOR/FIRST FLUSH SEPARATOR SHALL BE LOCATED ADJACENT TO THE INFILTRATION AREA.

THE OLY WATER SEPARATOR SHALL COLLECT WATER FROM THE TANK BUNDS, GANTRY AND PROCESS AREAS FOR OIL REMOVAL PRIOR TO DISCHARGE TO THE INFILTRATION AREA. WATER FROM THESE AREAS WILL COLECT IN BLIND SUMPS AND BE PUMPED IN A CONTROLLED MANDRE TO THE SEPARATOR FOR TREATMENT WITH TREATED WATER RELEASED TO THE INFILTRATION AREA. THE OLY WATER SEPARATOR SHALL ALSO TREAT THE FIRST FLUSH CONTAINMENT VOLUME FROM THE FIRST FLUSH SEPARATOR.

THE IN GROUND FIRST FLUSH SEPARATOR SHALL BE SIZED TO COLLECT THE FIRST FLUSH FROM THE ROAD AND SEALED AREAS ON SITE (APPROXIMATELY 9900M2 FOOTPRINT). THE RETAINED FIRST FLUSH WATER SHALL BE SLOWLY RELEASED TO THE ADJACENT OILY WATER SEPARATOR. ALL OTHER CATCHMENT WATER SHALL BE RELEASED DIRECTLY TO THE INFILITRATION AREA.

E - SITE INFILTRATION AREA

LE STIC IN INLINGTION RARADITION AREA IS LOCATED AT THE EASTERLY END OF THE STIE. INVIDUATIONS FROM LITERATURE SEARCH ARE THAT THE SOIL IS LIKELY TO BE SANDY BAY SAND SOIL TO SOME SIGNIFICANT DEPTH WITH LOW TO NO RISK OF ACID SUPHATE SOILS (ASS AND PASS).

LIMITED NATURAL GRADIENT EXISTS ON THE SITE. SOME EXCAVATION AND REGARDING OF THE SITE WILL BE REQUIRED TO ALLOW GRAVITY DRAINAGE OF THE SITE ROAD AND PAVED AREAS TO THE INFILTRATION AREA.

IT IS INTENDED THAT EXCAVATED SOIL AT THE INFILTRATION AREA BE REDISTRIBUTED AS A RAISED SITE BUND AT THE EASTERLY SITE BOUNDARY, ADJACENT TO THE INFILTRATION AREA, AND COVERED IN SUITABLE LANDSCAPING FLORA. ANY EXCESS EXCAVATED MATERNAL WILL BE BOSSED OF OFF-SITE.

F - WASTEWATER CATCHMENT AND TREATMENT ALL WASTEWATER FROM AMENITES AND BUILDINGS WILL BE COLLECTED IN A SEPTIC TANK SYSTEM PRIOR TO DISCHARGE TO THE SEPTIC TANK INFILITATION AREA.

WASTEWATER FROM THE LABORATORY WILL BE SEPARATELY TREATED, WITH POTENTIAL FOR THIS WATER TO BE DIRECTED TO EITHER THE OILY WATER SEPARATOR OR SEPTIC TANK SYSTEM.

LEASE 1, LOT 9002 ON DP68876,

KWINANA BEACH ROAD, KWINANA

ATTACHMENT 2

NOT FOR CONSTRU	ICTION	PROJECT	NANA BITUMEN TERMINAL PROJECT SAMI BITUMEN
APPROVED	DATE 3.11.15	TITLE	SITE DRAINAGE LAYOUT
1.170000000D		DRAWING No.	PROJECT NO. WISS TYPE DISC NUMBER REV 245638 - 0000 - DRG - CIV - 001 - F

ATTACHMENT 2

L. AXTEN-RICE







