Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:
- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Frank Sartor MP
Minister for Planning

Sydney 30th Nov. 2006 File No: 9042975

SCHEDULE 1

Application No:	06_0160
Proponent:	Caltex Refineries (NSW) Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 25 DP 776328, Kurnell, Sutherland local government area
Project:	Construction and operation of a crude oil storage tank with nominal capacity of up to approximately 80 megalitres, and associated infrastructure
Major Project:	The project is declared to be a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is development of a kind described in clause 10(2) of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*

KEY TO CONDITIONS

SCHEDULE 2

Act, the	*Environmental Planning and Assessment Act, 1979*
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Sutherland Shire Council
DEC	Department of Environment and Conservation
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
EA	*Environmental Assessment: Kurnell Refineries, Crude Oil Storage Tank (Tank 632)*, dated August 2006, and prepared by URS Australia Pty Ltd Note: Tank 632 is now known as Tank 634
EPA	Environment Protection Authority as part of the Department of Environment and Conservation
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997*
Minister, the	Minister for Planning.
Proponent	Caltex Refineries (NSW) Pty Limited, or any party acting under authorisation from and on behalf of the Caltex Refineries (NSW) Pty Limited
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).

1. ADMINISTRATIVE CONDITIONS

Terms of Project Approval

1.1 The Proponent shall carry out the project generally in accordance with the:
  a) Major Project Application 06_0160;
  b) *Environmental Assessment: Kurnell Refineries, Crude Oil Storage Tank (Tank 632)*, dated August 2006, and prepared by URS Australia Pty Ltd;
  c) the updated Statement of Commitments provided by letter from the Proponent to the Department, dated 10 October 2006; and
  d) the conditions of this approval.

1.2 In the event of an inconsistency between:
  a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
  a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits of Approval

1.4 This project approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Air Quality Impacts

Dust Generation

2.1 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Odour

2.2 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

Vapour Pressure and Tank Emissions

2.3 The Proponent shall operate the project such that the True Vapour Pressure (TVP) above fluids stored in Tank 634 does not exceed 75 kPa at any time.

Hazards and Risk Impacts

Pre-Construction Hazards Studies

2.4 Prior to the commencement of construction of the project, other than site preparation and civil works, the Proponent shall prepare and submit for the approval of the Director-General, the following studies:
  a) a **Fire Safety Study** for the project, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated*

Water Retention and Treatment Systems. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall review the integrity of the crude tank bund both during a spill and fire. This shall include the sealing of joints, the sealing material used and sealing where pipes pass through the bund wall. The Study shall be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to submission to the Director-General;

b) a **Hazard and Operability Study (HAZOP)** for the project, chaired by an independent, qualified person or team. The independent person or team shall be approved by the Director-General. The Study shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines.* The HAZOP report shall be accompanied by a program for the implementation of all recommendations made in the HAZOP report. If the Proponent intends to defer the implementation of a recommendation, justification must be included.

c) a **Final Hazard Analysis** prepared in accordance with the Department's *Hazardous Industry Advisory Paper No.6 – Guidelines for Hazard Analysis*; and

d) a **Construction Safety Study** for the project, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines.* The commissioning portion of the Study may be submitted two months prior to commissioning the project. In particular, risks during the construction period from and to the existing plant shall be considered as part of this study.

Pre-Commissioning Hazards Studies

2.5 Prior to the commencement of commissioning of the project the Proponent shall prepare and submit for the approval of the Director-General the following studies:

a) an **Emergency Plan** for the project. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines.* The plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the project; and

b) a **Safety Management System**, covering all operations at the project and any associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management.*

The Proponent may comply with this condition by demonstrating to the satisfaction of the Director-General that an existing Emergency Plan and an existing Safety Management System have been adequately updated to reflect the project.

Pre-Commissioning Compliance Report

2.6 One month prior to the commencement of operation of the project, or as otherwise agreed by the Director-General, the Proponent shall submit to the Director General, a report detailing compliance with conditions 2.4 and 2.5, including:

a) dates of study/plan/system submission, approval, commencement of construction and commissioning; and

b) actions taken or proposed, to implement recommendations made in the studies/plans/systems;

Post-Commissioning Compliance Report

2.7 Three months after the commencement of operation of the project, or as otherwise agreed by the Director-General, the Proponent shall submit to the Director General, a report verifying that:

a) the Emergency Plan required under condition 2.5a) is effectively in place and that at least one emergency exercise has been conducted; and

b) the Safety Management System required under condition 2.5b) has been fully implemented and that records required by the system are being kept.

Hazard Auditing

2.8 Twelve months after the commencement of operation of the project, or within such a period as agreed to by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake a Hazard Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A Hazard Audit Report shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken as may be required by the Director-General from time to time. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*. The Hazard Audit Report shall be accompanied by a program for the implementation of all recommendations made in the Hazard Audit Report. It the Proponent intends to defer the implementation of a recommendation, justification must be included.

Noise Impacts

2.9 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:

a) 7:00 am to 6:00 pm, Mondays to Saturdays, inclusive; and
b) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

2.10 The hours of construction activities specified under condition 2.9 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.9 shall be:

a) considered on a case-by-case basis;
b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
c) accompanied by sufficient information for the Director-General to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Waste Generation and Management

2.11 The Proponent shall preferentially and beneficially reuse all non-contaminated spoil generated during the construction of the project on the site, or off-site should an appropriate off-site reuse location exist.

2.12 All wastes, and spoil unable to be reused in accordance with condition 2.11, shall be directed to a waste management facility lawfully permitted to accept those materials.

2.13 The Proponent shall ensure that all wastes generated as a consequence of the project are assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DEC, 2004).

Water Quality Impacts

2.14 Except as may be expressively provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

2.15 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

2.16 The Proponent shall ensure that all drainage from the bund installed around Tank 634 is directed to the existing Refinery wastewater treatment system.

3. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management

Construction Environmental Management Plan

3.1 The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;

b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:

   i) measures to monitor and manage dust emissions;

   ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;

   iii) measures to monitor and control noise emissions during construction works;

d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;

e) the additional studies listed under condition 3.2 of this approval; and

f) complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

3.2 As part of the Construction Environmental Management Plan for the project required under condition 3.1 of this approval, the Proponent shall prepare and implement the following:

a) a **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of Council and the Roads and Traffic Authority and shall include, but not necessarily be limited to:

   i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;

   ii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;

   iii) detailed consideration of alternative routes (where necessary);

   iv) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.

3.3 Prior to the commencement of construction and as part of the Construction Management Plan referred to in condition 3.1, the Proponent shall undertake soil testing of the project site to determine the presence/absence of acid sulfate soils. Where soil testing identifies the presence of acid sulfate soils, the Proponent shall prepare an Acid Sulfate Soil Management Plan in accordance with the guidance provided in Acid Sulfate Soil Manual (Acid Sulfate Soil Management Advisory Committee, 1998).

4. ENVIRONMENTAL REPORTING

Incident Reporting

4.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable and within 24 hours after the occurrence of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

4.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 4.1 of this approval, within such period as the Director-General may require.